



Journal of the House

State of Indiana

113th General Assembly

Second Regular Session

Sixteenth Meeting Day

Monday Morning

February 2, 2004

The House convened at 10:30 a.m. with the Speaker in the Chair.

The invocation was offered by Reverend Katie Walker, First United Methodist Church, West Lafayette, the guest of Representative Sue W. Scholer.

The Pledge of Allegiance to the Flag was led by Representative Scholer.

The Speaker ordered the roll of the House to be called:

T. Adams ...	Kromkowski ...
Aguilera	Kruse
Alderman	Kuzman
Austin	LaPlante
Avery	L. Lawson
Ayres	Lehe
Bardon ...	Leonard
Becker	Liggett
Behning	J. Lutz
Bischoff	Lytle
Borror	Mahern
Bosma	Mangus
Bottorff	Mays
C. Brown	McClain
T. Brown	Messer
Buck	Moses ...
Budak	Murphy
Buell	Neese
Burton	Noe
Cheney	Orentlicher
Cherry	Oxley
Chowning	Pelath
Cochran	Pflum ...
Crawford	Pierce
Crooks	Pond
Day	Porter
Denbo	Reske
Dickinson	Richardson
Dobis	Ripley
Duncan	Robertson
Dvorak	Ruppel
Espich	Saunders
Foley	Scholer
Frenz	V. Smith ...
Friend	Stevenson
Frizzell	Stilwell
Fry	Stutzman
GiaQuinta	Summers
Goodin	Thomas
Grubb	Thompson
Gutwein	Torr
Harris	Turner
Hasler	Ulmer ...
Heim	Van Haften
Herrell	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Kersey	D. Young
Klinker	Yount
Koch	Mr. Speaker

Roll Call 55: 93 present; 7 excused. The Speaker announced a quorum in attendance. [NOTE: ... indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that the committee report for House Bill 1282, adopted by the House, be withdrawn from further consideration because it does not accurately report the actions taken by the House Ways and Means Committee.

CRAWFORD

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Resolution 13

Representatives Frenz and Chowning introduced House Resolution 13:

A HOUSE RESOLUTION recognizing the 100th anniversary of the Vincennes University basketball program.

Whereas, February 5, 2004, marks the 100th anniversary of Vincennes University's first basketball game;

Whereas, On February 5, 1904, the Vincennes University basketball team overcame a 5-4 halftime deficit to win its first game 10-9 over the Edwardsport High School team;

Whereas, James "Roscoe" Cauble, a future lawyer, was the first Vincennes University player to score a field goal;

Whereas, Vincennes University's first basketball team was the product of an athletic association formed in early 1904 under the direction of Professor T. J. Davis and Professor O. M. Duncan;

Whereas, Throughout the past century, Vincennes University's basketball coaches have emphasized excellence, tradition, sportsmanship, and education;

Whereas, the Vincennes University basketball team's humble beginnings on the court a century ago have led to the powerhouse teams that have earned three National Junior College Athletic Association championships in the past 50 years; and

Whereas, Vincennes University basketball team alumni have long been well represented among the leading university and National Basketball Association teams: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the citizens of the state of Indiana are called upon to honor the achievements of Vincennes University basketball teams during the past century and to wish Vincennes University the best as it prepares for the next century of excellence in intercollegiate basketball.

SECTION 2. That the citizens of the state of Indiana are invited to celebrate the 100th anniversary of Vincennes University basketball on February 5, 2004, by attending the Vincennes University game against Moraine Valley Community College at 7:05 p.m. at the Vincennes University Physical Education Complex.

SECTION 3. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Vincennes University head basketball coach Dan Sparks; assistant coaches Mike Ray, Jayson Holmes, and Joe Hart; and John Gregg, president of Vincennes University.

The resolution was read a first time and adopted by voice vote.

House Resolution 14

Representatives Summers and Mays introduced House Resolution 14:

A HOUSE RESOLUTION honoring Linda M. White.

Whereas, Alpha Kappa Alpha Sorority, Inc., America's first Greek-letter organization established for and by black women, is a 170,000 member service organization with 950 chapters throughout the United States, the Caribbean, Germany, Korea, West Africa, England, and Japan;

Whereas, Alpha Kappa Alpha Sorority, Inc. was founded on the campus of Howard University in Washington, D.C. in 1908;

Whereas, Ethel Hedgemen Lyle originated the idea of creating a sorority to help enrich the social and intellectual aspects of college life;

Whereas, Alpha Mu Omega, the local graduate chapter chartered on February 16, 1929, has always fostered education and scholarship in the Indianapolis community;

Whereas, Alpha Mu Omega is celebrating its seventy-fifth year of service to the Indianapolis area;

Whereas, Linda M. White is the twenty-sixth International President of Alpha Kappa Alpha Sorority, Inc.;

Whereas, Linda M. White has also served as international first vice-president, secretary, and protocol liaison and has held many regional and chapter offices prior to her election as international president;

Whereas, Linda M. White holds a bachelor of arts degree in political science from Clark College in Atlanta, Georgia, and a master of arts degree in political science from the University of Chicago. Linda M. White has also studied management science at Stanford University and the University of Michigan;

Whereas, In addition to her duties with the Alpha Kappa Alpha Sorority, Inc., Linda M. White has recently retired as the Northern Ohio Area Director for the Social Security Administration; before that, she served as acting director for field operations for the Chicago region and directed an inner city Social Security office;

Whereas, Linda M. White has received many honors and awards recognizing her many accomplishments, including the United States Commissioner's Citation, Regional Commissioner's Citation, Excellence in Public Service Award, and Black Leadership Award in the Social Security Administration listing;

Whereas, Linda M. White is also devoted to her community, serving as a board member and secretary for Beatrice Caffrey Youth Services, president and member of the administrative board for St. Mark United Methodist Church, a charter member of The Links, Inc., Lake Shore Chapter, and as a member of the Clark College Alumni Association, the Chicago Region Management Association, and the Chicago Urban League; and

Whereas, Linda M. White has dedicated her life to helping others; and as international president of Alpha Kappa Alpha Sorority, Inc., she is continuing the great work that the sorority has done since its creation in 1908: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives expresses its gratitude to Linda M. White for her countless hours of service and her great dedication to bettering the educational atmosphere on college campuses throughout the world. Through her efforts, the lives of numerous students have been improved.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Linda M. White and the officers of Alpha Mu Omega.

The resolution was read a first time and adopted by voice vote.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1131, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 2.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1132, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1141, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 14.

Page 2, line 1, reset in roman "may,".

Page 2, line 1, delete "shall,".

Page 2, between lines 28 and 29, begin a new paragraph and insert:

"(g) When an owner, a lessee, or a user:

(1) of property served by a municipal sewer works; and

(2) who is responsible for payment of a sewer fee under this chapter;

fails to pay a fee within thirty (30) days after the date a fee is due, the municipality must provide notice regarding the amount of the unpaid fee to the owner of the property not less than sixty (60) days after the date the fee is due."

Page 2, delete lines 29 through 42.

Delete pages 3 through 4.

Page 5, delete lines 1 through 35, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE JULY 1, 2004] Notwithstanding IC 36-9-23-28, as amended by this act, beginning January 1, 2005, a municipality shall carry out the duties imposed on the municipality under IC 36-9-23-28, as amended by this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1141 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

MOSES, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred House Bill 1212, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning utilities.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE UPON PASSAGE] (a) The general assembly finds that a simplified interconnection and net metering program for net metering facilities would:

(1) encourage private investment in renewable and clean energy resources;

(2) stimulate economic growth in Indiana;

(3) encourage energy independence and security; and

(4) enhance the diversification of Indiana's energy resources.

(b) As used in this SECTION, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

(c) The commission shall adopt rules under IC 4-22-2 to implement a net metering program for the development of high efficiency, small scale electric generating facilities of up to two (2) megawatts in Indiana that do at least one (1) of the following:

(1) Provide benefits in the form of support for electric

distribution or transmission systems, power quality, or environmental performance.

(2) Employ technologies such as hydroelectric, wind, fuel cells, or photovoltaic systems that may be situated in, on, or next to buildings or other electric load centers.

The net metering program participants must include commercial and industrial customers.

(d) The commission shall begin the rule adoption process under IC 4-22-2 before June 1, 2004. Not later than November 1, 2004, the commission shall report its progress under subsection (c) in electronic format under IC 5-14-6 to the regulatory flexibility committee established by IC 8-1-2.6-4.

SECTION 2. An emergency is declared for this act.

(Reference is to HB 1212 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1282, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 8 through 9, begin a new paragraph and insert:

"Sec. 2. As used in this chapter, "authority" refers to a regional transportation authority under IC 36-9-3-2.

Sec. 3. As used in this chapter, "beverage" includes any alcoholic beverage.

Sec. 4. As used in this chapter, "commuter transportation district" refers to a commuter transportation district established under IC 8-5-15.

Sec. 5. As used in this chapter, "food" includes any food product.

Sec. 6. As used in this chapter, "fund" refers to a food and beverage tax receipts fund established under section 16 of this chapter.

Sec. 7. As used in this chapter, "gross retail income" has the meaning set forth in IC 6-2.5-1-5.

Sec. 8. As used in this chapter, "person" has the meaning set forth in IC 6-2.5-1-3.

Sec. 9. As used in this chapter, "retail merchant" has the same meaning set forth in IC 6-2.5-1-8.

Sec. 10. As used in this chapter, "unit" refers to a city, town, or county."

Page 1, line 10, delete "3" and insert "11".

Page 1, line 13, delete "4" and insert "12".

Page 2, line 4, delete "4" and insert "12".

Page 2, line 5, delete "3" and insert "11".

Page 2, line 32, delete "5" and insert "13".

Page 2, line 32, delete "4" and insert "12".

Page 2, line 38, delete "6" and insert "14".

Page 3, line 3, delete "7" and insert "15".

Page 3, line 7, delete "8" and insert "16".

Page 3, line 7, delete "3" and insert "11".

Page 3, line 8, delete "regional transportation".

Page 3, line 10, delete "food and beverage tax".

Page 3, line 11, delete "receipts".

Page 3, line 12, delete "food".

Page 3, line 13, delete "and beverage tax receipts".

Page 3, line 14, delete "food and beverage tax receipts".

Page 3, line 14, delete "shall be" and insert "may be used only for the purposes described in sections 17 and 18 of this chapter."

Page 3, delete lines 15 through 17, begin a new paragraph and insert:

"Sec. 17. (a) Money in the fund may be used only for the purpose of establishing and maintaining new or improved public transportation service in the county imposing the tax that exceeds the level of public transportation service available in the county in 2004.

(b) Subject to subsection (a), the expenditures for which money in the fund may be used include the following:

(1) Grants to units in the county imposing the tax to provide new or improved public transportation service.

(2) The costs of preparing plans, specifications, studies, surveys, and estimates of cost and of revenue for public transportation services.

(3) Any expense necessary or incident to planning, providing, or determining the need for or the feasibility and practicability of providing public transportation services.

(4) The cost of purchasing, leasing, subleasing, or otherwise acquiring, erecting, constructing, remodeling, renovating, completing, equipping, and furnishing any property.

(5) The cost of engaging architectural services, engineering services, legal services, incidental expenses, financing costs, underwriter's discounts, funded or capitalized interest, municipal bond insurance premiums, or debt service reserve funds related to the issuance of debt obligations.

(6) The payment of debt service.

(7) Operation and management of property.

(8) Other administration expenses of the authority.

(c) Money in the fund may not be used to provide tax relief to any person or to reduce the ad valorem property levies imposed by any governmental entity. For purposes of computing the ad valorem property tax levy limit imposed on a unit under IC 6-1.1-18.5-3, the unit's ad valorem property tax levy for a particular calendar year does not include any part of a grant provided to the unit under this chapter.

Sec. 18. (a) The authority shall establish a reserve account in the fund.

(b) The authority shall deposit in the reserve account:

(1) two million dollars (\$2,000,000) in each of the first two

(2) years in which the authority receives tax revenue under this chapter; and

(2) one million dollars (\$1,000,000) in each year thereafter.

(c) Subject to subsection (e), in each of the first two (2) years in which the authority receives tax revenue under this chapter, the authority shall transfer one million dollars (\$1,000,000) from the reserve account in the fund to a commuter transportation district for the payment of the costs of:

(1) the preparation of plans, specifications, studies, surveys, and estimates of cost and of revenue for; and

(2) all other expenses necessary or incident to planning, providing, or determining the need for or the feasibility and practicability of;

a new rail corridor, designated by the authority, in the county imposing the tax. To the maximum extent possible the money must be used to match federal money available to pay for the costs described in this subsection.

(d) Subject to subsection (e), each year the authority shall transfer one million dollars (\$1,000,000) from the reserve account in the fund to a commuter transportation district for the commuter transportation district to make capital expenditures for new or improved public transportation service that primarily benefits the county imposing the tax. Money transferred under this subsection may not be used to reduce or replace expenditures made in the county by the commuter transportation district from other sources.

(e) The authority may transfer money during a year in the amounts and at the times determined by the authority. Before the authority transfers money under subsection (c) or (d), the commuter transportation district must submit a written plan or amended plan to the authority for its review. The authority shall prescribe the format for plans and amended plans. The plan or amended plan must specify the nature and the amount of proposed expenditures from the money transferred under this section. Money transferred under this section may not be used for any purpose other than the purposes specified in the plan or amended plan.

(f) A commuter transportation district may submit a plan or amended plan to the authority not more than once each month. The authority must review a submitted plan or amended plan as soon as practicable after its submission.

(g) If insufficient money is deposited in the fund to comply with subsection (b), the authority shall make the deposits as soon as practicable after sufficient money becomes available to make the

required deposits.

(h) If a commuter transportation district is unable in any year to use the full amount of a transfer authorized under subsection (c) or (d), the unexpended amount remains available for transfer to the commuter transportation district when the commuter transportation district is able to expend the money in conformity with the purposes of the transfer.

Sec. 19. (a) This section applies to a unit that is located in a county that imposes a tax under this chapter and that in 2004:

(1) imposed an ad valorem property tax levy; or

(2) expended money from an ad valorem property tax levy; for public transportation purposes.

(b) In any year in which a tax is imposed under this chapter, a unit may not reduce its ad valorem property tax levy or expenditures for public transportation purposes below the amount necessary to maintain a level of public transportation service equivalent to the level of public transportation service provided in 2004, as determined by the authority.

(c) The unit shall make a good faith effort to obtain all available federal funding to maintain public transportation services at a level at least equivalent to the public transportation services available in 2004.

(d) The department of local government finance shall modify budgets, tax rates, and tax levies under IC 6-1.1-17-16, as necessary, to implement this subsection."

(Reference is to HB 1282 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 19, nays 7.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1296, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-18-12, AS ADDED BY P.L.1-2004, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 12, 2003 (RETROACTIVE)]: Sec. 12.

(a) For purposes of this section, "maximum rate" refers to the maximum:

(1) property tax rate or rates; or

(2) special benefits tax rate or rates;

referred to in the statutes listed in subsection (d).

(b) The maximum rate for taxes first due and payable after 2003 is the maximum rate that would have been determined under subsection (e) for taxes first due and payable in 2003 if subsection (e) had applied for taxes first due and payable in 2003.

(c) The maximum rate must be adjusted:

(1) each time an annual adjustment of the assessed value of real property takes effect under IC 6-1.1-4-4.5; and

(2) each time a general reassessment of real property takes effect under IC 6-1.1-4-4.

(d) The statutes to which subsection (a) refers are:

(1) IC 8-10-5-17;

(2) IC 8-22-3-11;

(3) IC 8-22-3-25;

(4) IC 12-29-1-1, as it applies to community mental retardation and other developmental disabilities center only;

(5) IC 12-29-1-2, as it applies to community mental retardation and other developmental disabilities center only;

(6) IC 12-29-1-3, as it applies to community mental retardation and other developmental disabilities center only;

(7) IC 12-29-2-13;

(8) IC 12-29-3-6;

(9) IC 13-21-3-12;

(10) IC 13-21-3-15;

(11) IC 14-27-6-30;

(12) IC 14-33-7-3;

(13) IC 14-33-21-5;

(14) IC 15-1-6-2;

(15) IC 15-1-8-1;

(16) IC 15-1-8-2;

(17) IC 16-20-2-18;

(18) IC 16-20-4-27;

(19) IC 16-20-7-2;

(20) IC 16-23-1-29;

(21) IC 16-23-3-6;

(22) IC 16-23-4-2;

(23) IC 16-23-5-6;

(24) IC 16-23-7-2;

(25) IC 16-23-8-2;

(26) IC 16-23-9-2;

(27) IC 16-41-15-5;

(28) IC 16-41-33-4;

(29) IC 20-5-17.5-2;

(30) IC 20-5-17.5-3;

(31) IC 20-5-37-4;

(32) IC 20-14-7-5.1;

(33) IC 20-14-7-6;

(34) IC 20-14-13-12;

(35) IC 21-1-11-3;

(36) IC 21-2-17-2;

(37) IC 23-13-17-1;

(38) IC 23-14-66-2;

(39) IC 23-14-67-3;

(40) IC 36-7-13-4;

(41) IC 36-7-14-28;

(42) IC 36-7-15.1-16;

(43) IC 36-8-19-8.5;

(44) IC 36-9-6.1-2;

(45) IC 36-9-17.5-4;

(46) IC 36-9-27-73;

(47) IC 36-9-29-31;

(48) IC 36-9-29.1-15;

(49) IC 36-10-6-2;

(50) IC 36-10-7-7;

(51) IC 36-10-7-8;

(52) IC 36-10-7.5-19; and

(53) any statute enacted after December 31, 2003, that:

(A) establishes a maximum rate for any part of the:

(i) property taxes; or

(ii) special benefits taxes;

imposed by a political subdivision; and

(B) does not exempt the maximum rate from the adjustment under this section.

(e) The new maximum rate under a statute listed in subsection (d) is the tax rate determined under STEP SEVEN of the following STEPS:

STEP ONE: Determine the maximum rate for the political subdivision levying a property tax or special benefits tax under the statute for the year preceding the year in which the annual adjustment or general reassessment takes effect.

STEP TWO: Determine the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or general reassessment takes effect to the year that the annual adjustment or general reassessment takes effect.

STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first take effect.

STEP FOUR: Compute separately, for each of the calendar years determined in STEP THREE, the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Determine the greater of the following:

(A) Zero (0).

(B) The result of the STEP TWO percentage minus the STEP FIVE percentage.

STEP SEVEN: Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP SIX percentage increase.

(f) The department of local government finance shall compute the maximum rate allowed under subsection (e) and provide the rate to each political subdivision with authority to levy a tax under a statute listed in subsection (d).

SECTION 2. [EFFECTIVE UPON PASSAGE] For property taxes first due and payable in 2004, the department of local government finance shall make the changes under IC 6-1.1-17-16 that are needed to account for the changes in tax rates that result from IC 6-1.1-18-12, as amended by this act. The requirements of IC 6-1.1-17-16(c), IC 6-1.1-17-16(d), and IC 6-1.1-17-16(h) do not apply to an action under this SECTION. The department of local government finance shall certify the results of the changes made under this SECTION in the manner provided in IC 6-1.1-17-16(f).

SECTION 3. An emergency is declared for this act.

(Reference is to HB 1296 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 24, nays 0.

CRAWFORD, Chair

Report adopted.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 1:55 p.m. with the Speaker in the Chair.

Representative V. Smith, who had been excused, was present.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 13

Representatives Pelath and Budak introduced House Concurrent Resolution 13:

A CONCURRENT RESOLUTION urging the Indiana department of transportation to rename the overpass on U.S. Highway 35 in LaPorte, Indiana, in honor of former Secretary of State Edwin J. Simcox.

Whereas, It is the sense of the Indiana House of Representatives that the overpass on U.S. Highway 35 in LaPorte, Indiana, be named the "Edwin J. Simcox Overpass";

Whereas, Edwin J. Simcox, of LaPorte, Indiana, served as secretary of state of Indiana from 1978 through 1986, culminating a colorful and successful career as an elected official in service to his community and his state;

Whereas, While serving as secretary of state, Edwin J. Simcox was appointed by President Ronald Reagan to the Peace Corp Advisory Council;

Whereas, Before serving as secretary of state, Edwin J. Simcox nobly served the state as the secretary of the Indiana Republican State Committee;

Whereas, Upon leaving office, Edwin J. Simcox became president of the Indiana Electrical Association;

Whereas, Edwin J. Simcox is not simply interested in the governmental and financial well-being of his community and his state, he also works to better the spiritual environment of our state as witness by his being named the crusade chairman for the 1999 Billy Graham Crusade in Indiana; and

Whereas, It is fitting that proper signage be placed on the overpass on U. S. Highway 35 through LaPorte, Indiana, designating

it as the "Edwin J. Simcox Overpass": Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That in recognition of the many achievements of Edwin J. Simcox and his outstanding service to the state of Indiana and the LaPorte community, the Indiana General Assembly urges the Indiana department of transportation to designate the overpass on U.S. Highway 35 in LaPorte, Indiana, in honor of Edwin J. Simcox.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the family of Edwin J. Simcox and the commissioner of the Indiana department of transportation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Wyss.

House Resolution 15

Representatives Pelath and Budak introduced House Resolution 15:

A HOUSE RESOLUTION urging the Indiana department of transportation to rename the overpass on U.S. Highway 35 in LaPorte, Indiana, in honor of former Secretary of State Edwin J. Simcox.

Whereas, It is the sense of the Indiana House of Representatives that the overpass on U.S. Highway 35 in LaPorte, Indiana, be named the "Edwin J. Simcox Overpass";

Whereas, Edwin J. Simcox, of LaPorte, Indiana, served as secretary of state of Indiana from 1978 through 1986, culminating a colorful and successful career as an elected official in service to his community and his state;

Whereas, While serving as secretary of state, Edwin J. Simcox was appointed by President Ronald Reagan to the Peace Corp Advisory Council;

Whereas, Before serving as secretary of state, Edwin J. Simcox nobly served the state as the secretary of the Indiana Republican State Committee;

Whereas, Upon leaving office, Edwin J. Simcox became president of the Indiana Electrical Association;

Whereas, Edwin J. Simcox is not simply interested in the governmental and financial well-being of his community and his state, he also works to better the spiritual environment of our state as witness by his being named the crusade chairman for the 1999 Billy Graham Crusade in Indiana; and

Whereas, It is fitting that proper signage be placed on the overpass on U. S. Highway 35 through LaPorte, Indiana, designating it as the "Edwin J. Simcox Overpass": Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That in recognition of the many achievements of Edwin J. Simcox and his outstanding service to the state of Indiana and the LaPorte community, the Indiana General Assembly urges the Indiana department of transportation to designate the overpass on U.S. Highway 35 in LaPorte, Indiana, in honor of Edwin J. Simcox.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the family of Edwin J. Simcox and the commissioner of the Indiana department of transportation.

The resolution was read a first time and adopted by voice vote.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1019

Representative Ayres called down Engrossed House Bill 1019 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

The bill was read a third time by sections and placed upon its

passage. The question was, Shall the bill pass?

Roll Call 56: yeas 81, nays 10. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Landske and Dembowski.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

Representative Bardon, who had been excused, was present.

Engrossed House Joint Resolution 5

Representative Bauer called down Engrossed House Joint Resolution 5 for third reading:

A JOINT RESOLUTION proposing an amendment to Article 8 of the Indiana Constitution concerning education finance.

The joint resolution was read a third time by sections and placed upon its passage. The question was, Shall the joint resolution pass?

Roll Call 57: yeas 46, nays 49. The joint resolution failed.

Engrossed House Bill 1448

Representative Stilwell called down Engrossed House Bill 1448 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 58: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Zakas and Hume.

Engrossed House Bill 1341

Representative Ripley called down Engrossed House Bill 1341 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 59: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Paul and Lewis.

Representative Bardon was excused temporarily.

Engrossed House Bill 1330

Representative Ayres called down Engrossed House Bill 1330 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 60: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson, Rogers, Landske, and Mrvan.

Engrossed House Bill 1264

Representative Dvorak called down Engrossed House Bill 1264 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 61: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss, Broden, and Zakas.

Engrossed House Bill 1253

Representative Robertson called down Engrossed House Bill 1253 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 62: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Server and R. Young.

Engrossed House Bill 1223

Pursuant to House Rule 146.3, the author of Engrossed House Bill 1223, Representative T. Adams, granted consent to the coauthor, Representative Austin, to call the bill down for third reading. Representative Austin called down Engrossed House Bill 1223 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 63: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Lanane, Craycraft, and R. Meeks.

Engrossed House Bill 1171

Representative C. Brown called down Engrossed House Bill 1171 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 64: yeas 89, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Miller, Rogers, Dillon, and S. Smith.

Engrossed House Bill 1136

Representative Chowning called down Engrossed House Bill 1136 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 65: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Long, Bray, Broden, and Simpson.

Engrossed House Bill 1087

Representative Mangus called down Engrossed House Bill 1087 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 66: yeas 89, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Riegsecker and Hume.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed House Bill 1082

Representative Ayres called down Engrossed House Bill 1082 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state police, civil defense and military affairs.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 67: yeas 88, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Landske, Rogers, C. Lawson, and Mrvan.

Engrossed House Bill 1070

Representative Bischoff called down Engrossed House Bill 1070 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 68: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Weatherwax and Lewis.

Engrossed House Bill 1044

Representative V. Smith called down Engrossed House Bill 1044 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 69: yeas 40, nays 50. The bill failed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1121, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 11.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1268, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 6, after "to" insert "a".

Page 11, line 4, delete "subsections (b) and (c)," and insert "**subsection (b)**".

Page 11, line 11, delete "D felony" and insert "**A misdemeanor**".

Page 11, delete lines 14 through 17.

Page 11, line 37, delete "Except as provided in subsection (c), a" and insert "**A**".

Page 12, line 8, delete "the sex offense referred to in subdivision (1) was" and insert "**the child lives in the same household as the adult who committed the sex crime under subdivision (1) and the sex crime resulted in a conviction or a judgment under IC 31-34-11-2;**".

Page 12, delete lines 9 through 10.

Page 12, line 14, delete "court." and insert "**court; and**".

Page 12, delete lines 15 through 18, begin a new line block indented and insert:

"(4) a caseworker assigned to provide services to the child:

(A) places the child in a program of informal adjustment or other family or rehabilitative services based upon the existence of the circumstances described in subdivisions (1) and (2) and the assigned caseworker subsequently determines further intervention is necessary; or

(B) determines that a program of informal adjustment or other family or rehabilitative services is inappropriate."

Page 13, line 34, delete "person" and insert "**persons**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1268 as printed January 27, 2004.)

and when so amended that said bill do pass.

Committee Vote: yeas 24, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1306, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, after line 23, begin a new paragraph and insert:

"SECTION 3. IC 5-10.2-5-37 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 37. (a) The pension portion (plus postretirement increases to the pension portion) provided by employer contributions of the monthly benefit payable after December 31, 2004, to a member of the Indiana state teachers' retirement fund (or to a survivor or beneficiary of a member of the Indiana state teachers' retirement fund) who retired or was disabled:

(1) after July 1, 1996, and before July 2, 2002, shall be increased by one percent (1%);

(2) after July 1, 1978, and before July 2, 1996, shall be increased by one and five-tenths percent (1.5%); and

(3) before July 2, 1978, shall be increased by two percent (2%).

(b) The increases specified in this section:

(1) are based upon the date of the member's latest retirement or disability;

(2) do not apply to benefits payable in a lump sum; and

(3) are in addition to any other increase provided by law."

(Reference is to HB 1306 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 21, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1325, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 8, after "designated" insert "**or dedicated**".

Page 4, line 7, delete "approves" and insert "**and the budget agency approve**".

Page 4, line 20, delete "Chapter", begin a new paragraph and insert:

"Chapter".

Page 4, line 30, after "money" insert "**, including federal money,**".

Page 4, line 32, after "account." insert "**An appropriation, a gift,**".

or a grant may be designated for one (1) or more purposes listed in section 6 of this chapter."

Page 4, line 36, delete "does".

Page 4, line 37, delete "not revert" and insert "reverts".

Page 4, line 37, delete "but remains in the account to" and insert " ".

Page 4, delete line 38.

Page 4, line 39, after "account" insert **"that is not otherwise designated under section 3 of this chapter"**.

Page 4, line 41, delete "payroll credit" and insert **"and grants"**.

Page 4, line 42, delete "IC 6-3.1-29 and".

Page 5, line 1, delete "payroll credit" and insert **"and grants"**.

Page 5, line 2, delete "6-3.1-25 and".

Page 5, delete lines 11 through 12.

Page 5, line 13, delete "10" and insert **"(9)"**.

Page 5, delete lines 19 through 42.

Delete pages 6 through 15.

Page 16, delete lines 1 through 3.

Page 16, between lines 23 and 24, begin a new paragraph and insert:

"Sec. 6. Grants issued under this chapter are subject to approval by the budget agency."

Page 18, between lines 38 and 39, begin a new paragraph and insert:

"(d) Grants issued under this section are subject to approval by the budget agency."

Page 19, between lines 9 and 10, begin a new paragraph and insert:

"(c) Grants issued under this section are subject to approval by the budget agency."

Page 19, line 13, after "Programs" insert **"and Grants"**.

Page 20, between lines 19 and 20, begin a new paragraph and insert:

"Sec. 7. (a) The department may issue a grant to an employer that employs at least one (1) student through a certified internship program.

(b) The department shall determine the amount of a grant issued under subsection (a).

(c) A grant issued under this section is subject to approval by the budget agency."

Page 20, line 20, delete "7." and insert **"8."**

Page 20, line 22, after "chapter." insert **"However, the department shall adopt rules under IC 4-22-2 to implement section 7 of this chapter."**

Page 20, line 26, after "Programs" insert **"and Grants"**.

Page 24, between lines 19 and 20, begin a new paragraph and insert:

"Sec. 14. (a) The department may issue a grant to an employer (as defined in IC 22-8-1.1-1) in an amount determined by the department.

(b) A grant issued under this section is subject to approval by the budget agency.

(c) The department shall adopt rules to implement this section."

Page 24, between lines 32 and 33, begin a new paragraph and insert:

"Sec. 3. A grant issued under this chapter is subject to approval by the budget agency."

Page 24, line 36, after "from" insert **"money in the state technology advancement and retention account established in IC 4-12-12-1 that is dedicated to"**.

Page 24, line 36, delete "Indian" and insert **"Indiana"**.

Page 25, delete lines 3 through 6.

Page 25, delete lines 22 through 32.

Page 25, line 33, delete "(d)" and insert **"(c)"**.

Page 25, delete lines 34 through 42.

Page 26, delete lines 1 through 7.

Renumber all SECTIONS consecutively.

(Reference is to HB 1325 as printed January 27, 2004.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 2.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1334, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 37, after "2004," insert **"if"**.

Page 5, line 38, after "employee" insert **"offers health insurance coverage for the employer's active employees, the employer"**.

Page 5, line 38, delete "and pay for".

Page 5, line 39, after "coverage" insert **"under the health insurance plan provided for active employees"**.

Page 6, line 15, after "employees." insert **"Premiums, co-payments, and other costs of the coverage charged to the surviving spouse or child may not exceed the premiums, co-payments, and other costs of the coverage chargeable to the employee for coverage for the employee's spouse or child as of the date of the employee's death."**

Page 6, line 19, delete "or".

Page 6, line 21, delete "(b)." and insert **"(b); or"**.

Page 6, after line 21, begin a new line block indented and insert:

"(3) the employer continues to offer the coverage for the employer's active employees."

SECTION 4. IC 33-19-5-4, AS AMENDED BY P.L.1-2002, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) For each civil action except:

(1) proceedings to enforce a statute defining an infraction under IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);

(2) proceedings to enforce an ordinance under IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);

(3) proceedings in juvenile court under IC 31-34 or IC 31-37;

(4) proceedings in paternity under IC 31-14;

(5) proceedings in small claims court under IC 33-11.6; and

(6) proceedings in actions under section 6 of this chapter;

the clerk shall collect from the party filing the action a civil costs fee of one hundred dollars (\$100).

(b) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

(1) A document fee.

(2) A support and maintenance fee.

(3) A document storage fee (IC 33-19-6-18.1).

(4) An automated record keeping fee (IC 33-19-6-19).

(5) A service fee (IC 33-19-6-23).

SECTION 5. IC 33-19-5-5, AS AMENDED BY P.L.167-2003, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) For each small claims action the clerk shall collect from the party filing the action a:

(1) small claims costs fee of thirty-five dollars (\$35); and

(2) small claims service fee of ~~five dollars (\$5)~~ **ten dollars (\$10)** for each defendant named or added in the small claims action.

However, a clerk may not collect a small claims costs fee or small claims service fee for a small claims action filed by or on behalf of the attorney general.

(b) In addition to a small claims costs fee and small claims service fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

(1) A document fee.

(2) A document storage fee (IC 33-19-6-18.1).

(3) An automated record keeping fee (IC 33-19-6-19).

SECTION 6. IC 33-19-6-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 23. (a) This section applies to a civil action described in IC 33-19-5-4(a).**

(b) The clerk shall collect from the party filing the civil action a service fee of ten dollars (\$10) for each defendant named or added in the civil action.

SECTION 7. IC 33-19-7-1, AS AMENDED BY P.L.167-2003, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The clerk of a circuit court shall semiannually distribute to the auditor of state as the state share

CRAWFORD, Chair

Report adopted.

for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-3(a) (juvenile costs fees).
- (4) IC 33-19-5-4(a) (civil costs fees).
- (5) IC 33-19-5-5(a)(1) (small claims costs fees).
- (6) IC 33-19-5-6(a) (probate costs fees).
- (7) IC 33-19-6-16.2 (deferred prosecution fees).

(b) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- (3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(7).
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-19-5-1(b)(8).
- (5) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- (6) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.
- (7) One hundred percent (100%) of the automated record keeping fee (IC 33-19-6-19).

(c) The clerk of a circuit court shall monthly distribute to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).
- (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall monthly distribute to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(7). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

(e) The clerk of a circuit court shall monthly distribute to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-19-6-20. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

- (1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-19-6-1.5 and sixty percent (60%) of the fees in the county general fund.
- (2) If the county fiscal body has not adopted an ordinance under subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(f) The clerk of the circuit court shall semiannually distribute to the auditor of state for deposit in the sexual assault victims assistance fund established under IC 16-19-13-6 one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-19-6-21.

(g) The clerk of a circuit court shall monthly distribute to the county auditor the following:

- (1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) collected under IC 33-19-6-5.
- (2) The percentage share of the support and maintenance fees for cases designated as IV-D child support cases in ISETS collected under IC 33-19-6-5 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall monthly distribute to the office of the secretary of family and social services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS collected under IC 33-19-6-5 that is not reimbursable to the county at the applicable federal financial participation rate.

(h) The clerk of a circuit court shall monthly distribute to the county auditor one hundred percent (100%) of the small claims service fee under IC 33-19-5-5(a)(2) for deposit in the county general fund.

(i) The clerk shall distribute monthly to the county auditor or the city or town fiscal officer one hundred percent (100%) of the service fee under IC 33-19-6-23 for deposit in the county general fund or the city or town general fund.

SECTION 8. [EFFECTIVE JULY 1, 2004] (a) In addition to the collection required by IC 33-19-5-5(a), as in effect July 1, 2004, the clerk shall collect a small claims service fee of ten dollars (\$10) for each defendant named or added in a small claims action.

(b) In addition to the distribution required by IC 33-19-7-1(i), as in effect July 1, 2004, the clerk shall distribute monthly to the county auditor or city or town fiscal officer one hundred percent (100%) of the service fee under IC 33-19-6-23 for deposit in the county general fund or the city or town general fund.

(c) This SECTION expires June 30, 2005."

Renumber all SECTIONS consecutively.

(Reference is to HB 1334 as printed January 27, 2004.) and when so amended that said bill do pass.

Committee Vote: yeas 24, nays 0.

CRAWFORD, Chair

Report adopted.

HOUSE BILLS ON SECOND READING

The following bills were called down by their respective authors, were read a second time by title, and, there being no amendments, were ordered engrossed: House Bills 1028, 1031, 1046, 1050, 1054, 1056, 1061, 1068, 1071, 1080, 1103, 1114, 1135, 1150, 1154, 1163, 1189, 1202, 1203, 1204, 1232, 1241, 1249, 1251, 1256, 1257, 1285, 1287, 1289, 1301, 1304, 1339, 1345, 1350, 1394, 1434, and 1449.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:35 p.m. with the Speaker in the Chair.

Representative Bardon, who had been excused, was present.

House Bill 1254

Representative Robertson called down House Bill 1254 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1188

Representative Reske called down House Bill 1188 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1188-17)

Mr. Speaker: I move that House Bill 1188 be amended to read as follows:

Page 12, line 5, delete "subsection" and insert "section".

Page 17, line 37, delete "thirty-one percent (31%)." and insert "**thirty-three percent (33%).**"

Page 18, line 22, after "(145,000)," insert "**the first one hundred fifty thousand dollars (\$150,000) of tax revenue distributed under this clause in the first calendar year that pari-mutuel pull tabs are offered in the county must be paid to the county treasurer for a one-time distribution to a shelter for victims of domestic violence located in the county. The remainder of the tax revenues distributed under this clause in the first year and the total amount of the**".

Page 18, line 23, after "clause" insert "**each year thereafter**".

Page 19, line 30, after "fund" insert **"during a state fiscal year".**

Page 19, delete lines 33 through 34, begin a new line double block indented and insert:

"(B) Fifty percent (50%) shall be set aside to be paid as follows:

(i) Twelve million five hundred thousand dollars (\$12,500,000) shall be paid to the state general fund.

(ii) Subject to subsection (e), the remainder shall be set aside for revenue sharing under subsection (d)."

Page 20, between lines 11 and 12, begin a new paragraph and insert:

"(e) The total amount distributed under subsection (d) in a state fiscal year may not exceed fifty-three million dollars (\$53,000,000). Tax revenues set aside under subsection (c)(B)(ii) in excess of fifty-three million dollars (\$53,000,000) must be paid before August 15 as follows:

(1) For state fiscal years ending before July 1, 2006:

(A) Seventy-five percent (75%) to the local capital projects fund established under section 15 of this chapter.

(B) Twenty-five percent (25%) to the counties, cities, and towns eligible for revenue sharing under subsection (d) as a supplemental revenue sharing payment.

(2) For state fiscal years beginning after June 30, 2006:

(A) Seventy-five percent (75%) to the education reserve fund established under section 16 of this chapter.

(B) Twenty-five percent (25%) to the counties, cities, and towns eligible for revenue sharing under subsection (d) as a supplemental revenue sharing payment.

The treasurer of state shall determine the amount due to the county treasurer of each county under this subsection in the same manner as payments to the county treasurer of each county are determined under subsection (d). The county auditor of each county receiving money under this subsection shall distribute the money in the same manner as the county auditor distributes money received under subsection (d)."

Page 20, line 14, delete "fifteen percent (15%)" and insert **"thirteen percent (13%)".**

Page 20, line 20, delete "Forty-five percent (45%)" and insert **"Forty-six percent (46%)".**

Page 20, line 27, delete "(ii)" and insert **"(iii)".**

Page 20, line 30, delete "Forty-five percent (45%)" and insert **"Forty-six percent (46%)".**

Page 20, line 37, delete "Ten percent (10%)" and insert **"Eight percent (8%)".**

Page 21, line 2, delete "Forty-five percent (45%)" and insert **"Forty-six percent (46%)".**

Page 21, line 4, delete "Forty-five percent (45%)" and insert **"Forty-six percent (46%)".**

Page 21, line 6, delete "Ten percent (10%)" and insert **"Eight percent (8%)".**

Page 22, between lines 21 and 22, begin a new paragraph and insert:

"Sec. 13. The budget agency shall develop a plan, which shall be reviewed by the budget committee, to do the following:

(1) Identify the build Indiana fund local projects (as defined in IC 4-30-17-4.1(e)) for which:

(A) money was appropriated in a budget bill enacted before December 31, 2001;

(B) the appropriation was not canceled in a budget bill enacted before July 1, 2004; and

(C) the appropriation has not been:

(i) reviewed by the budget committee;

(ii) allotted; or

(iii) paid out.

(2) Determine:

(A) the total dollar amount of the projects identified under subdivision (1); and

(B) a schedule under which the total dollar amount shall be distributed to the budget agency beginning in the state fiscal year beginning July 1, 2004, from the local capital projects fund established under section 15 of this chapter.

The plan required by this section must include provisions for including every viable project described in subdivision (1) on the

budget committee agenda for review.

Sec. 14. Money distributed to the budget agency under section 13 of this chapter to fund local projects may be used only to fund projects for which appropriations were made before December 31, 2001. The distributions are not additional appropriations for those projects. The budget agency shall develop procedures for administering section 13 of this chapter in compliance with the provisions of IC 4-30-17 requiring budget committee review of local projects.

Sec. 15. (a) The local capital projects fund is established to fund local capital projects under section 13 of this chapter.

(b) The treasurer of state shall administer the fund.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The fund consists of the following:

(1) Interest earned on money in the fund.

(2) Amounts appropriated by the general assembly.

(3) Money paid into the fund under section 7(e)(1)(A) of this chapter.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) For state fiscal years ending before July 1, 2006, there is annually appropriated to the local capital projects fund thirty million dollars (\$30,000,000) from the state general fund to be used for the purposes of section 13 of this chapter.

(h) Money in the fund is annually appropriated for the purposes of section 13 of this chapter.

Sec. 16. (a) The education reserve fund is established for educational purposes.

(b) The treasurer of state shall administer the fund.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The fund consists of the following:

(1) Interest earned on money in the fund.

(2) Amounts appropriated by the general assembly.

(3) Money paid into the fund under section 7(e)(2)(A) of this chapter.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) For state fiscal years beginning after June 30, 2006, there is annually appropriated to the education reserve fund thirty million dollars (\$30,000,000) from the state general fund to be used for the purposes of the education reserve fund.

(h) Money in the fund may not be spent unless the general assembly includes a specific line item appropriation in the budget bill or otherwise specifically appropriates the money in the fund."

Page 38, delete lines 32 through 42.

Delete page 39.

Page 40, delete lines 1 through 7.

Page 41, delete lines 27 through 42.

Page 42, delete lines 1 through 9.

Renumber all SECTIONS consecutively.

(Reference is to HB 1188 as printed January 23, 2004.)

CRAWFORD

Motion prevailed.

HOUSE MOTION
(Amendment 1188-14)

Mr. Speaker: I move that House Bill 1188 be amended to read as follows:

Page 10, line 34, delete "chapter at" and insert **"chapter. A separate license is required to sell pari-mutuel pull tabs at each of"**

Page 11, line 22, after "chapter" insert **"to authorize the sale of pari-mutuel pull tabs in an allowed city".**

Page 11, line 23, after "mayor of" delete "an" and insert "the".

Page 11, line 27, delete "before April 5, 2005,".

Page 11, line 29, after "facility" insert "located in the city".

Page 11, between lines 31 and 32, begin a new line blocked left and insert:

"The issuance of a license to authorize the sale of pari-mutuel pull tabs in a particular allowed city is not contingent upon the permit holders executing an agreement described in subdivision (1) with the mayor of any other allowed city. In the case of a license to sell pari-mutuel pull tabs in an allowed city that is also a consolidated city, the application described in subdivision (2) must be submitted to the Indiana gaming commission before April 1, 2005."

Page 11, line 40, after "(3)" insert **"in the case of an agreement between the permit holders and the mayor of an allowed city that is also a consolidated city,"**.

Page 13, line 26, delete "Notwithstanding any other law," and insert **"The Indiana gaming commission may not issue a license under this chapter to authorize"**.

Page 13, line 26, delete "may not" and insert **"to"**.

Page 13, line 29, after "city" insert **"that is also a consolidated city"**.

Page 13, line 32, delete "each of the allowed cities." and insert **"in the allowed city that is also a consolidated city."**

Page 14, between lines 6 and 7, begin a new paragraph and insert:

"(o) The Indiana gaming commission may not issue a pari-mutuel pull tab license to a permit holder to offer pari-mutuel pull tabs at a satellite facility located in an allowed city that is not also a consolidated city unless the voters of the city have approved the sale of pari-mutuel pull tabs in the city in a local public question held under section 21 of this chapter."

Page 16, between lines 37 and 38, begin a new paragraph and insert:

"Sec. 21. (a) This section applies only to an allowed city that is not also a consolidated city."

(b) For a local public question required to be held under section 4(o) of this chapter, the county election board shall place the following question on the ballot in the city during the 2004 general election:

"Shall the sale of pari-mutuel pull tabs be allowed in the City of _____?"

(c) A public question under this section must be certified in accordance with IC 3-10-9-3 and shall be placed on the ballot in accordance with IC 3-10-9.

(d) The circuit court clerk of a county holding an election under this chapter shall certify the results determined under IC 3-12-4-9 to the Indiana gaming commission and the department of state revenue.

(e) If a public question is placed on the ballot under subsection (b) in a city and the voters of the city do not vote in favor of the public question, a second public question under that subsection may not be held in the city for at least two (2) years. If the voters of the city vote to reject the public question a second time, a third or subsequent public question under that subsection may not be held in the city until the general election held during the tenth year following the year of the previous public question held under that subsection.

(f) This section applies only to the sale of pari-mutuel pull tabs in the city. This section may not be construed to affect a permit holder's ability to operate a satellite facility in the city under a license issued under IC 4-31-5.5."

(Reference is to HB 1188 as printed January 23, 2004.)

ALDERMAN

Motion prevailed.

HOUSE MOTION (Amendment 1188-3)

Mr. Speaker: I move that House Bill 1188 be amended to read as follows:

Page 11, line 23, delete "mayor of an".

Page 11, between lines 31 and 32, begin a new line blocked left and insert:

"In the case of an allowed city that is a consolidated city, the mayor of the allowed city shall negotiate and execute the agreement required under this section. In the case of an allowed city that is not a consolidated city, the agreement must be jointly negotiated and jointly executed by the mayor of the allowed city and a member of the board of county commissioners of the county in which the allowed city is located. The board of county commissioners shall designate a member to carry out the duties of this subsection."

Page 11, line 32, delete "the mayor of".

Page 13, line 28, after "with" delete "the".

Page 13, line 29, delete "mayor of an" and insert **"each"**.

(Reference is to HB 1188 as printed January 23, 2004.)

ALDERMAN

Upon request of Representatives Alderman and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 70: yeas 39, nays 49. Motion failed.

HOUSE MOTION (Amendment 1188-15)

Mr. Speaker: I move that House Bill 1188 be amended to read as follows:

Page 13, delete lines 13 through 16, begin a new line block indented and insert:

"(1) One-third (1/3) to the allowed city."

Page 13, line 17, delete "Fifty percent (50%)" and insert **"One-third (1/3)"**.

Page 13, between lines 20 and 21, begin a new line block indented and insert:

"(3) One-third (1/3) to the county in which the allowed city is located."

(Reference is to HB 1188 as printed January 23, 2004.)

ALDERMAN

Upon request of Representatives Alderman and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 71: yeas 39, nays 52. Motion failed.

HOUSE MOTION (Amendment 1188-6)

Mr. Speaker: I move that House Bill 1188 be amended to read as follows:

Page 22, between lines 32 and 33, begin a new paragraph and insert:
"SECTION 18. IC 4-31-13-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3.5. (a) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

(b) This section applies only to contributions made after June 30, 1996.

(c) As used in this section, "candidate" refers to any of the following:

- (1) A candidate for a state office.
- (2) A candidate for a legislative office.
- (3) A candidate for a local office.

(d) As used in this section, "committee" refers to any of the following:

- (1) A candidate's committee.
- (2) A regular party committee.
- (3) A committee organized by a legislative caucus of the house of the general assembly.
- (4) A committee organized by a legislative caucus of the senate of the general assembly.

(e) As used in this section, "officer" refers only to either of the following:

- (1) An individual listed as an officer of a corporation in the corporation's most recent annual report.
- (2) An individual who is a successor to an individual described in subdivision (1).

(f) For purposes of this section, a person is considered to have an interest in a permit holder if the person satisfies any of the following:

- (1) The person holds at least a **one-tenth of one percent (1/100)** interest in the permit holder.
- (2) The person is an officer of the permit holder.

(3) The person is an officer of a person that holds at least a **one-tenth of one percent (~~1%~~) (0.1%)** interest in the permit holder.

(4) The person is a political action committee of the permit holder.

(g) For purposes of this section, a permit holder is considered to have made a contribution if a contribution is made by a person who has an interest in the permit holder.

(h) A permit holder or a person with an interest in a permit holder may not make a contribution to a candidate or a committee during the following periods:

(1) The term during which the permit holder holds a permit.

(2) The three (3) years following the final expiration or termination of the permit holder's permit.

(i) A person who knowingly or intentionally violates this section commits a Class D felony."

Page 26, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 23. IC 4-33-10-2.1, AS AMENDED BY P.L.92-2003, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2.1. (a) This section applies only to contributions made after June 30, 1996.

(b) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

(c) As used in this section, "candidate" refers to any of the following:

(1) A candidate for a state office.

(2) A candidate for a legislative office.

(3) A candidate for a local office.

(d) As used in this section, "committee" refers to any of the following:

(1) A candidate's committee.

(2) A regular party committee.

(3) A committee organized by a legislative caucus of the house of the general assembly.

(4) A committee organized by a legislative caucus of the senate of the general assembly.

(e) As used in this section, "license" means:

(1) an owner's license issued under this article;

(2) a supplier's license issued under this article to a supplier of gaming supplies or equipment, including electronic gaming equipment; or

(3) an operating agent contract issued under this article.

(f) As used in this section, "licensee" means a person who holds a license. The term includes an operating agent.

(g) As used in this section, "officer" refers only to either of the following:

(1) An individual listed as an officer of a corporation in the corporation's most recent annual report.

(2) An individual who is a successor to an individual described in subdivision (1).

(h) For purposes of this section, a person is considered to have an interest in a licensee if the person satisfies any of the following:

(1) The person holds at least a **one-tenth of one percent (~~1%~~) (0.1%)** interest in the licensee.

(2) The person is an officer of the licensee.

(3) The person is an officer of a person that holds at least a **one-tenth of one percent (~~1%~~) (0.1%)** interest in the licensee.

(4) The person is a political action committee of the licensee.

(i) A licensee is considered to have made a contribution if a contribution is made by a person who has an interest in the licensee.

(j) A licensee or a person who has an interest in a licensee may not make a contribution to a candidate or a committee during the following periods:

(1) The term during which the licensee holds a license.

(2) The three (3) years following the final expiration or termination of the licensee's license.

(k) A person who knowingly or intentionally violates this section commits a Class D felony."

Page 42, between lines 9 and 10, begin a new paragraph and insert: "SECTION 45. [EFFECTIVE JULY 1, 2004] **IC 4-31-13-3.5 and IC 4-33-10-2.1, each as amended by this act, apply to contributions made after June 30, 2004.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1188 as printed January 23, 2004.)

TURNER

Upon request of Representatives Turner and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 72: yeas 43, nays 46. Motion failed.

Representative Bardon was excused temporarily.

HOUSE MOTION (Amendment 1188-22)

Mr. Speaker: I move that House Bill 1188 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-29 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]:

ARTICLE 29. GAMBLING MORATORIUM

Chapter 1. Moratorium on New Forms of Gambling

Sec. 1. A form of gambling or gaming that is not lawful under an Indiana statute in effect on January 1, 2005, may not become lawful under an Indiana statute before January 1, 2008.

Sec. 2. This chapter expires January 2, 2008.

Chapter 2. Moratorium on Expansion of Gambling

Sec. 1. An Indiana statute in effect on January 1, 2005, that allows a form of gambling may not be amended to expand the scope of the gambling allowed by the statute before January 1, 2008.

Sec. 2. This chapter expires January 2, 2008.

Chapter 3. Moratorium on Gambling Compacts Between the State and Indian Tribes

Sec. 1. A compact between the state and an Indian tribe to allow tribal gambling under 25 U.S.C. 2710 may not be made between the state and an Indian tribe before January 1, 2008.

Sec. 2. This chapter expires January 2, 2008."

Page 5, between lines 31 and 32, begin a new paragraph and insert: "SECTION 9. IC 4-31-5-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005]: Sec. 0.5. (a) Except as provided in subsection (b), the Indiana horse racing commission may not issue a meeting permit to conduct pari-mutuel wagering under this chapter after December 31, 2004, until January 1, 2008.

(b) This section does not affect a meeting permit to conduct pari-mutuel wagering issued before January 1, 2005.

(c) This section expires January 2, 2008."

Page 6, between lines 20 and 21, begin a new paragraph and insert: "SECTION 12. IC 4-31-5.5-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: Sec. 0.5. (a) Except as provided in subsection (b), the Indiana horse racing commission may not issue a satellite facility license under this chapter after December 31, 2003, until January 1, 2008.

(b) This section does not affect a satellite facility license issued before January 1, 2004.

(c) This section expires January 2, 2008."

Page 23, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 24. IC 4-33-6-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: Sec. 0.5. (a) Except as provided in subsection (b), the maximum number of riverboat licenses authorized under this article as of January 1, 2004, may not be increased after December 31, 2003, until January 1, 2008.

(b) This section does not affect a riverboat license issued before January 1, 2004.

(c) This section expires January 2, 2008."

Renumber all SECTIONS consecutively.

(Reference is to HB 1188 as printed January 23, 2004.)

TURNER

Upon request of Representatives Turner and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 73: yeas 41, nays 50. Motion failed.

HOUSE MOTION
(Amendment 1188-13)

Mr. Speaker: I move that House Bill 1188 be amended to read as follows:

Page 10, line 34, delete "chapter at" and insert "**chapter. A separate license is required to sell pari-mutuel pull tabs at each of**".

Page 11, line 22, after "chapter" insert "**to authorize the sale of pari-mutuel pull tabs in an allowed city**".

Page 11, line 23, after "mayor of" delete "an" and insert "**the**".

Page 11, line 27, delete "April 1, 2005," and insert "**April 1 of the year following the year in which pari-mutuel pull tabs are approved in a local public question held under section 21 of this chapter,**".

Page 11, line 29, after "facility" insert "**located in the city**".

Page 11, between lines 31 and 32, begin a new line blocked left and insert:

"The issuance of a license to authorize the sale of pari-mutuel pull tabs in a particular allowed city is not contingent upon the permit holders executing an agreement described in subdivision (1) with the mayor of any other allowed city."

Page 11, line 40, delete "April 1, 2005." and insert "**April 1 of the year following the year in which pari-mutuel pull tabs are approved in a local public question held under section 21 of this chapter,**".

Page 13, line 26, delete "Notwithstanding any other law," and insert "**The Indiana gaming commission may not issue a license under this chapter to authorize**".

Page 13, line 26, delete "may not" and insert "**to**".

Page 13, line 29, delete "and".

Page 13, line 32, delete "each" and insert "**at least one (1)**".

Page 13, line 32, delete "cities." and insert "**cities; and**".

(3) the voters of the county in which the racetrack is located have approved the sale of pari-mutuel pull tabs in the county in a local public question held under section 21 of this chapter."

Page 14, between lines 6 and 7, begin a new paragraph and insert:

"(o) The Indiana gaming commission may not issue a pari-mutuel pull tab license to a permit holder to offer pari-mutuel pull tabs at a satellite facility located in an allowed city unless the voters of the county in which the allowed city is located have approved the sale of pari-mutuel pull tabs in the county in a local public question held under section 21 of this chapter."

Page 16, between lines 37 and 38, begin a new paragraph and insert:

"Sec. 21. (a) This section applies only to a county containing:

(1) an allowed city; or

(2) a live pari-mutuel horse racing facility licensed under IC 4-31-5.

(b) For a local public question required to be held under this chapter, the county election board shall place the following question on the ballot in the city during the next general election:

"Shall the sale of pari-mutuel pull tabs be allowed in _____ County?"

(c) A public question under this section must be certified in accordance with IC 3-10-9-3 and shall be placed on the ballot in accordance with IC 3-10-9.

(d) The circuit court clerk of a county holding an election under this chapter shall certify the results determined under IC 3-12-4-9 to the Indiana gaming commission and the department of state revenue.

(e) If a public question is placed on the ballot under subsection (b) in a county and the voters of the county do not vote in favor of the public question, a second public question under that subsection may not be held in the county for at least two (2) years. If the voters of the county vote to reject the public question a second time, a third or subsequent public question under that subsection may not be held in the county until the general election held during the tenth year following the year of the previous public question held under that subsection.

(f) This section applies only to the sale of pari-mutuel pull tabs in the county. This section may not be construed to affect a

permit holder's ability to operate:

(1) a racetrack in the county under a license issued under IC 4-31-5; or

(2) a satellite facility in the county under a license issued under IC 4-31-5.5."

(Reference is to HB 1188 as printed January 23, 2004.)

TURNER

Upon request of Representatives Turner and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 74: yeas 41, nays 49. Motion failed.

HOUSE MOTION
(Amendment 1188-5)

Mr. Speaker: I move that House Bill 1188 be amended to read as follows:

Page 21, delete lines 11 through 16, begin a new paragraph and insert:

"(b) The commission shall deposit the fees collected under subsection (a) in the state general fund.

(c) For state fiscal years beginning after June 30, 2004, fees deposited in the state general fund under subsection (b) are annually appropriated to the department of commerce to be used to publicize the corporate tax restructuring in Indiana to businesses and industries in other states."

(Reference is to HB 1188 as printed January 23, 2004.)

TURNER

Upon request of Representatives Turner and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 75: yeas 25, nays 65. Motion failed.

HOUSE MOTION
(Amendment 1188-10)

Mr. Speaker: I move that House Bill 1188 be amended to read as follows:

Page 10, line 1, delete "IC 4-32." and insert "**IC 4-32 or the sale of pari-mutuel pull tabs under IC 4-35."**

Page 22, line 36, delete "IC 4-31-7.5." and insert "**IC 4-31-7.5 or IC 4-35."**

Page 22, line 39, delete "has" and insert "**means a game offered to the public in which a person who purchases a ticket or simulated ticket has the opportunity to share in a prize pool, multiple prize pool, or a shared prize pool. The term refers to a game authorized under IC 4-31-7.5 or IC 4-35."**

Page 22, delete line 40.

Page 23, line 14, delete "IC 4-31-7.5." and insert "**IC 4-31-7.5 and IC 4-35."**

Page 23, line 37, after "devices to" insert ":",

Page 23, line 37, delete "a permit holder authorized to sell and redeem" begin a new line block indented and insert:

"(1) a permit holder authorized to sell and redeem pari-mutuel pull tab tickets under IC 4-31-7.5; and

(2) a person authorized to sell and redeem pari-mutuel pull tab tickets under IC 4-35."

Page 23, delete line 38.

Page 24, line 26, delete "IC 4-31-7.5." and insert "**IC 4-31-7.5 and IC 4-35."**

Page 33, line 36, after "1.5." insert "**(a)**".

Page 33, after line 42, begin a new paragraph and insert:

"(b) This chapter does not apply to a person licensed to sell pari-mutuel pull tabs under IC 4-35."

Page 36, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 34. IC 4-33-18-9, AS ADDED BY P.L.192-2002(ss), SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9. (a) Nothing in this chapter may be construed to limit the powers or responsibilities of:

(1) the Indiana lottery commission under IC 4-30;

(2) the Indiana horse racing commission under IC 4-31;

(3) the department of state revenue under IC 4-32; or

(4) the Indiana gaming commission under IC 4-31-7.5, IC 4-33, or IC 4-35.

(b) The department may not exercise any administrative or regulatory powers with respect to:

- (1) the Indiana lottery under IC 4-30;
- (2) pari-mutuel horse racing under IC 4-31;
- (3) charity gaming under IC 4-32; or
- (4) riverboat casino gambling under IC 4-33; or
- (5) **pari-mutuel pull tabs under IC 4-31-7.5 and IC 4-35.**

SECTION 35. IC 4-35 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]:

ARTICLE 35. PARI-MUTUEL PULL TABS IN CLUBS

Chapter 1. Application

Sec. 1. This article applies only to the sale of pari-mutuel pull tabs by a licensee licensed under IC 4-35-5.

Sec. 2. This article does not apply to the sale of pull tabs by:

- (1) a permit holder under IC 4-31-7.5; or
- (2) a qualified organization under IC 4-32.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. As used in this chapter, "adjusted gross receipts" means:

- (1) the total of all cash and property (including checks received by a licensee, whether collected or not) received by a licensee from pari-mutuel pull tab sales; minus
- (2) the total of:
 - (A) all cash paid out to patrons as winnings for pari-mutuel pull tabs; and
 - (B) uncollectible pari-mutuel pull tab receivables, not to exceed the lesser of:
 - (i) a reasonable provision for uncollectible patron checks received from pari-mutuel pull tab sales; or
 - (ii) two percent (2%) of the total of all sums, including checks, whether collected or not, less the amount paid out to patrons as winnings for pari-mutuel pull tabs.

For purposes of this section, a counter or personal check that is invalid or unenforceable under this article is considered cash received by the licensee from pari-mutuel pull tab sales.

Sec. 3. "Club" has the meaning set forth in IC 7.1-1-3-10.

Sec. 4. "Commission" means the Indiana gaming commission established by IC 4-33.

Sec. 5. "Department" means the department of state revenue.

Sec. 6. "Licensee" means a person licensed to sell alcoholic beverages on the premises of the person's club.

Sec. 7. "Pari-mutuel pull tab" means a game offered to the public in which a person who purchases a ticket or simulated ticket has the opportunity to share in a prize pool, multiple prize pools, or a shared prize pool consisting of the total amount wagered in the game minus deductions by the licensee selling the pari-mutuel pull tab and other deductions either permitted or required by law.

Chapter 3. General Provisions

Sec. 1. All shipments of gambling devices, including pari-mutuel pull tab machines, to licensees in Indiana, the registering, recording, and labeling of which have been completed by the manufacturer or dealer in accordance with 15 U.S.C. 1171 through 15 U.S.C. 1178, are legal shipments of gambling devices into Indiana.

Sec. 2. Under 15 U.S.C. 1172, approved January 2, 1951, the state of Indiana, acting by and through elected and qualified members of the general assembly, declares that the state is exempt from 15 U.S.C. 1172.

Chapter 4. Powers and Duties of the Indiana Gaming Commission

Sec. 1. The commission shall regulate and administer the sale, purchase, and redemption of pari-mutuel pull tab tickets under this article.

Sec. 2. (a) The commission shall adopt rules under IC 4-22-2, including emergency rules adopted under a procedure identical to the procedure set forth in IC 4-22-2-37.1, to implement this article, including rules that prescribe:

- (1) an approval process for pari-mutuel pull tab games that requires periodic testing of the games and equipment by an independent entity under the oversight of the commission to ensure the integrity of the games to the public;
- (2) a system of internal audit controls;

(3) a method of payment for pari-mutuel pull tab prizes that allows a player to transfer credits from one (1) terminal or device to another;

(4) a method of payment for pari-mutuel pull tab prizes that allows a player to redeem a winning ticket for additional play tickets or credit to permit purchase of additional play tickets;

(5) requirements for a license to sell pari-mutuel pull tabs that a licensee must obtain from the commission before selling pari-mutuel pull tabs; and

(6) any other procedure or requirement necessary for the efficient and economical operation of the pari-mutuel pull tab games and the convenience of the public.

(b) The commission may enter into a contract with the alcohol and tobacco commission for the provision of services necessary to administer pari-mutuel pull tab games under this article.

Chapter 5. Pari-Mutuel Pull Tab License

Sec. 1. The commission may issue a license to a licensee to sell pari-mutuel pull tabs under this article at the locations described in IC 4-35-6-4.

Sec. 2. Before issuing a license to a licensee under this chapter, the commission shall subject the licensee to a background investigation similar to a background investigation required for an applicant for a riverboat owner's license under IC 4-33-6.

Sec. 3. An initial pari-mutuel pull tab license expires five (5) years after the effective date of the license. Unless the pari-mutuel pull tab license is terminated or is revoked, the pari-mutuel pull tab license may be renewed annually thereafter upon:

- (1) the payment of an annual renewal fee determined by the commission; and
- (2) a determination by the commission that the licensee satisfies the conditions of this chapter.

Sec. 4. (a) A licensee holding a pari-mutuel pull tab license shall undergo a complete investigation every three (3) years to determine whether the licensee remains in compliance with this article.

(b) Notwithstanding subsection (a), the commission may investigate a licensee at any time the commission determines it is necessary to ensure that the licensee remains in compliance with this article.

Sec. 5. A licensee shall bear the cost of an investigation or a reinvestigation of the licensee and any investigation resulting from a potential transfer of ownership.

Sec. 6. The commission may assess an administrative fee to a licensee offering pari-mutuel pull tab games in an amount that allows the commission to recover all the commission's costs of administering the pari-mutuel pull tab games.

Chapter 6. Conduct of Pari-Mutuel Pull Tab Games

Sec. 1. A pari-mutuel pull tab game must be conducted in the following manner:

- (1) Each set of tickets must have a predetermined:
 - (A) total purchase price; and
 - (B) amount of prizes.
- (2) Randomly ordered pari-mutuel pull tab tickets may be distributed from an approved location or from a distribution device to:
 - (A) the licensee at the licensee's club; or
 - (B) a terminal or device of the licensee at the licensee's club.
- (3) A pari-mutuel pull tab ticket must be presented to a player in the form of a paper ticket or display on a terminal or device.
- (4) Game results must be initially covered or otherwise concealed from view on the pari-mutuel pull tab ticket, terminal, or device so that the number, letter, symbol, or set of numbers, letters, or symbols cannot be seen until the concealing medium is removed.
- (5) A winner is identified after the display of the game results when a player removes the concealing medium of the pari-mutuel pull tab ticket or display on a terminal or device.
- (6) A winner shall receive the prize or prizes posted or displayed for the game from the licensee.

Sec. 2. A person less than twenty-one (21) years of age may not

purchase a pari-mutuel pull tab ticket.

Sec. 3. The sale price of a pari-mutuel pull tab ticket may not exceed ten dollars (\$10).

Sec. 4. The sale, purchase, and redemption of pari-mutuel pull tab tickets under this article are limited to clubs operated by licensees.

Sec. 5. A licensee may not install more than two (2) pull tab terminals or devices on the premises of the licensee's club.

Sec. 6. The number and amount of the prizes in a pari-mutuel pull tab game must be finite. However, the Indiana gaming commission may not limit the number or amount of prizes in a pari-mutuel pull tab game.

Sec. 7. A list of prizes for winning pari-mutuel pull tab tickets must be posted or displayed at a location where the tickets are sold.

Sec. 8. A licensee may close a pari-mutuel pull tab game at any time.

Sec. 9. A terminal or device selling pari-mutuel pull tab tickets may be operated by a player without the assistance of the licensee for the sale and redemption of pari-mutuel pull tab tickets.

Sec. 10. A terminal or device selling pari-mutuel pull tab tickets may not dispense coins or currency as prizes for winning tickets. Prizes awarded by a terminal or device must be in the form of credits for additional play or certificates redeemable for cash or prizes.

Sec. 11. A club offering pari-mutuel pull tabs may not place the club's pull tab terminals or devices in a location that is accessible or visible to a person less than twenty-one (21) years of age.

Chapter 7. Penalties

Sec. 1. A person who knowingly or intentionally aids, induces, or causes a person who is:

- (1) less than twenty-one (21) years of age; and
- (2) not an employee of a pari-mutuel pull tab operation licensed under this article;

to enter or attempt to enter the pari-mutuel pull tab operation commits a Class A misdemeanor.

Sec. 2. A person who:

- (1) is not an employee of a pari-mutuel pull tab operation licensed under IC 4-31;
- (2) is less than twenty-one (21) years of age; and
- (3) knowingly or intentionally enters the pari-mutuel pull tab operation;

commits a Class A misdemeanor.

Chapter 8. Taxation

Sec. 1. (a) A state wagering tax is imposed on the adjusted gross receipts received from the sale of pari-mutuel pull tabs authorized under this article at the rate of fifty percent (50%).

(b) The licensee shall remit the tax imposed by this section to the department before the close of the business day following the day the pari-mutuel pull tabs are sold.

(c) The department may require payment under this section to be made by electronic funds transfer (as defined in IC 4-8.1-2-7(f)).

(d) If the department requires taxes to be remitted under this chapter through electronic funds transfer, the department may allow the licensee to file a monthly report to reconcile the amounts remitted to the department.

(e) The department shall deposit tax revenue collected under this section in the state general fund.

Sec. 2. (a) A local wagering tax is imposed on the adjusted gross receipts received from the sale of pari-mutuel pull tabs authorized under this article at the rate of twenty-five percent (25%).

(b) The licensee shall remit the tax imposed by this section to the county treasurer of the county in which the licensee's club is located before the close of the business day following the day the pari-mutuel pull tabs are sold.

(c) If the club operated by a licensee remitting taxes under this section is located in a city or town, the county treasurer shall allocate the tax revenue between the city or town and the county according to the ratio the city or town's population bears to the total population of the county.

(d) If the club operated by a licensee remitting taxes under this section is located in an unincorporated area, the county shall

retain all the taxes remitted by the licensee.

Sec. 3. The department shall prescribe forms for the remittance of taxes under this chapter.

Sec. 4. Taxes received by a county, city, or town under section 2 of this chapter must be used to provide property tax relief."

Page 37, line 32, after "IC 4-31-7.5" insert "or IC 4-35".

Page 38, line 6, after "(IC 4-33-13);" insert "the state wagering tax (IC 4-35-8-1); the local wagering tax (IC 4-35-8-2);".

Page 40, line 16, delete "IC 4-31-7.5." and insert "IC 4-31-7.5 or IC 4-35.".

Page 40, line 20, delete "IC 4-31-7.5." and insert "IC 4-31-7.5 or IC 4-35.".

Page 40, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 40. [EFFECTIVE JULY 1, 2004] (a) The Indiana gaming commission shall adopt the emergency rules required under IC 4-35-4-2, as added by this act, before January 1, 2005. (b) This SECTION expires January 31, 2005."

Renumber all SECTIONS consecutively.

(Reference is to HB 1188 as printed January 23, 2004.)

FRY

Motion failed.

HOUSE MOTION (Amendment 1188-21)

Mr. Speaker: I move that House Bill 1188 be amended to read as follows:

Page 1, line 6, delete "satellite" and insert "other".

Page 2, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 4. IC 4-31-2-17.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 17.5. "Pull tab licensee" means a person holding a license to sell pari-mutuel pull tabs under IC 4-31-7.5."

Page 7, delete lines 39 through 42.

Page 8, delete lines 1 through 16.

Page 9, line 40, delete "that holds a permit to conduct a pari-mutuel" and insert "licensed to sell pari-mutuel pull tabs under section 4 of this chapter."

Page 9, delete line 41.

Page 10, line 33, delete "permit holder or group of permit holders" and insert "person".

Page 10, line 34, delete "chapter at" and insert "chapter. A separate license is required to sell pari-mutuel pull tabs at each of".

Page 10, line 35, after "chapter." insert "The commission shall issue a license to sell pari-mutuel pull tabs at a live pari-mutuel horse racing facility to a permit holder that meets the requirements of this section. A permit holder may also apply for a license to sell pari-mutuel pull tabs in an allowed city at a satellite or other facility operated by the permit holder."

Page 10, line 35, delete "permit" and insert "person".

Page 10, line 36, delete "holder".

Page 10, line 38, delete "permit holder" and insert "person".

Page 10, line 39, delete "permit holder" and insert "person".

Page 11, line 8, delete "permit holder" and insert "pull tab licensee".

Page 11, line 10, delete "permit holder holding a pari-mutuel pull tab license" and insert "pull tab licensee".

Page 11, line 12, delete "permit holder" and insert "pull tab licensee".

Page 11, line 15, delete "permit holder" and insert "pull tab licensee".

Page 11, line 16, delete "permit" and insert "pull tab licensee".

Page 11, line 17, delete "holder".

Page 11, line 18, delete "permit holder" and insert "pull tab licensee".

Page 11, line 19, delete "permit holder" and insert "pull tab licensee".

Page 11, line 22, after "chapter" insert "to authorize the sale of pari-mutuel pull tabs in an allowed city".

Page 11, line 22, delete "permit holders have:" and insert "pull tab licensee, on or before April 1, 2005, has".

Page 11, line 23, delete "(1)".
 Page 11, run in lines 22 through 23.
 Page 11, line 23, after "mayor of" delete "an" and insert **"the"**.
 Page 11, line 25, delete "satellite" and insert **"pull tab"**.
 Page 11, line 26, delete "city; and" and insert **"city. The issuance of a license to authorize the sale of pari-mutuel pull tabs in a particular allowed city is not contingent upon the execution of an agreement with the mayor of any other allowed city."**

Page 11, delete lines 27 through 31.
 Page 11, line 32, delete "the permit holders" and insert **"a pull tab licensee"**.

Page 11, line 38, delete "satellite" and insert **"pull tab"**.
 Page 12, line 3, delete "permit holder" and insert **"pull tab licensee"**.

Page 12, line 5, delete "permit holder's" and insert **"pull tab licensee's"**.

Page 12, line 18, delete "permit holder" and insert **"pull tab licensee"**.

Page 12, line 35, delete "permit" and insert **"pull tab licensee"**.
 Page 12, line 36, delete "holder".

Page 13, delete lines 26 through 32.

Page 13, line 33, delete "(n)" and insert **"(m)"**.

Page 14, between lines 6 and 7, begin a new paragraph and insert:
"(n) In determining whether to grant a license under this section to permit the sale of pari-mutuel pull tabs in an allowed city to an applicant, the commission shall consider the following:

(1) The character, reputation, experience, and financial integrity of the following:

(A) The applicant.

(B) A person that:

(i) directly or indirectly controls the applicant; or

(ii) is directly or indirectly controlled by the applicant or by a person that directly or indirectly controls the applicant.

(2) The facilities or proposed facilities for sale of pari-mutuel pull tabs in the allowed city. The applicant must submit to the commission a proposed design of the pull tab facility for the purposes of this subdivision.

(3) The highest prospective total revenue to be collected by the state from the sale of pari-mutuel pull tabs in the allowed city.

(4) The good faith affirmative action plan of each applicant to recruit, train, and upgrade minorities in all employment classifications.

(5) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.

(6) Whether the applicant has adequate capitalization to operate a pull tab facility.

(7) The extent to which the applicant provides assurances that the applicant will participate in the funding of:

(A) specific economic development programs; or

(B) infrastructure improvements;
in the allowed city.

(8) The extent to which the applicant exceeds or meets other standards adopted by the commission.

(o) Notwithstanding any other law, a licensed owner (as defined in IC 4-33-2-13) may apply for a license to sell pari-mutuel pull tabs in an allowed city."

Page 14, line 8, delete "permit holder" and insert **"pull tab licensee"**.

Page 14, line 21, delete "permit holder" and insert **"pull tab licensee"**.

Page 14, line 21, delete "permit holder's" and insert **"pull tab licensee's"**.

Page 14, line 22, delete "satellite facility, or both," and insert **"pull tab facility;"**.

Page 14, line 23, delete "permit holder" and insert **"pull tab licensee"**.

Page 14, line 23, after "at the" delete "permit" and insert **"pull tab licensee's"**.

Page 14, line 24, delete "holder's".

Page 14, line 24, delete "satellite facility, or both." and insert **"pull tab facility."**

Page 14, line 36, delete "permit holder" and insert **"pull tab licensee"**.

Page 14, line 37, after "7." insert **"(a)"**.

Page 14, between lines 38 and 39, begin a new paragraph and insert:

"(b) A person less than twenty-one (21) years of age may not enter the part of a pull tab facility in which pari-mutuel pull tabs are sold and redeemed."

Page 15, line 3, delete "satellite" and insert **"pull tab"**.

Page 15, line 3, delete "this article" and insert **"section 4 of this chapter"**.

Page 15, delete lines 5 through 11, begin a new paragraph and insert:

"Sec. 10. (a) A permit holder licensed to sell pari-mutuel pull tabs under section 4 of this chapter may not install more than one thousand (1,000) pull tab terminals or devices on the premises of the permit holder's live pari-mutuel horse racing facility.

(b) A pull tab licensee licensed under section 4 of this chapter to sell pari-mutuel pull tabs in an allowed city may not install more than one thousand (1,500) pull tab terminals or devices on the premises of the pull tab licensee's pull tab facility."

Page 15, line 18, delete "permit holder" and insert **"pull tab licensee"**.

Page 15, line 21, delete "permit holder." and insert **"pull tab licensee."**

Page 15, line 28, delete "permit holders" and insert **"pull tab licensees"**.

Page 16, line 19, delete "permit holder." and insert **"pull tab licensee."**

Page 17, line 1, delete "that:" and insert **"that"**

Page 17, delete lines 2 through 3.

Page 17, line 4, delete "(2)".

Page 17, run in lines 1 through 4.

Page 17, line 10, delete "permit holder," and insert **"pull tab licensee,"**

Page 17, line 11, delete "permit holder" and insert **"pull tab licensee"**.

Page 17, line 25, delete "permit holder" and insert **"pull tab licensee"**.

Page 17, line 38, delete "permit holder" and insert **"pull tab licensee"**.

Page 18, line 3, delete "permit holder" and insert **"pull tab licensee"**.

Page 20, line 12, delete "permit" and insert **"pull tab licensee"**.

Page 20, line 13, delete "holder".

Page 20, line 14, delete "permit holder's" and insert **"pull tab licensee's"**.

Page 22, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 20. IC 4-33-2-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 16.5. "Pull tab licensee" means a person holding a license to sell pari-mutuel pull tabs under IC 4-31-7.5."

Page 23, line 37, delete "permit holder" and insert **"pull tab licensee"**.

Page 24, line 15, delete "IC 4-31;" and insert **"IC 4-31 or this article;"**.

Page 24, line 21, delete "permit holder" and insert **"pull tab licensee"**.

Page 24, line 28, delete "permit holders" and insert **"pull tab licensees"**.

Page 24, line 35, delete "permit holders" and insert **"pull tab licensees"**.

Page 24, line 41, delete "satellite" and insert **"pull tab"**.

Page 25, line 1, delete "permit holder" and insert **"pull tab licensee"**.

Page 25, line 2, delete "permit holder." and insert **"pull tab licensee."**

Page 33, line 27, delete "permit holder" and insert **"pull tab licensee"**.

Page 33, line 41, delete "permit holder" and insert **"pull tab"**

licensee".

Page 36, line 37, delete "satellite" and insert "pull tab".

Page 36, line 38, delete "IC 4-31-7.5." and insert "IC 4-31-7.5 in an allowed city."

Renumber all SECTIONS consecutively.

(Reference is to HB 1188 as printed January 23, 2004.)

MURPHY

Motion failed.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative Harris.

HOUSE MOTION (Amendment 1188-20)

Mr. Speaker: I move that House Bill 1188 be amended to read as follows:

Page 2, between lines 7 and 8, begin a new paragraph and insert:
"SECTION 4. IC 4-31-2-17.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 17.5. "Qualified municipality" refers to each of the following municipalities:

- (1) The City of Beech Grove.
- (2) The City of Lawrence.
- (3) The City of Southport.
- (4) The Town of Speedway."

Page 12, line 21, delete "Forty percent (40%)" and insert "Thirty percent (30%)".

Page 12, between lines 32 and 33, begin a new line block indented and insert:

"(5) Ten percent (10%) to be divided equally among the qualified municipalities."

Page 12, line 39, delete "Seventy-five percent (75%)" and insert "Sixty-five percent (65%)".

Page 13, between lines 9 and 10, begin a new line block indented and insert:

"(3) Ten percent (10%) to be divided equally among the qualified municipalities."

Page 41, line 9, after "act)" insert "and qualified municipalities (as defined in IC 4-31-2-17.5, as added by this act)".

Page 41, line 17, delete "cities;" and insert "cities and qualified municipalities;"

Page 41, line 18, after "cities" insert "and qualified municipalities".

Page 41, line 21, delete "cities" and insert "municipalities".

Page 41, line 24, "delete "cities"" and insert "municipalities"."

Page 41, line 26, "delete "cities"" and insert "municipalities"."

Renumber all SECTIONS consecutively.

(Reference is to HB 1188 as printed January 23, 2004.)

MURPHY

Motion failed.

HOUSE MOTION (Amendment 1188-18)

Mr. Speaker: I move that House Bill 1188 be amended to read as follows:

Page 12, line 21, delete "Forty percent (40%)" and insert "Thirty-nine and nine-tenths percent (39.9%)".

Page 12, between lines 32 and 33, begin a new line block indented and insert:

"(5) One-tenth of one percent (0.1%) to the county fiscal body for distribution to mental health and addiction service providers located in the county."

Page 12, line 39, delete "Seventy-five percent (75%)" and insert "Seventy-four and nine-tenths percent (74.9%)".

Page 13, between lines 9 and 10, begin a new line block indented and insert:

"(3) One-tenth of one percent (0.1%) to the county fiscal body for distribution to mental health and addiction service providers located in the county."

Page 13, line 13, "delete "Fifty percent (50%)" and insert "Forty-nine and nine-tenths percent (49.9%)".

Page 13, between lines 20 and 21, begin a new line block indented

and insert:

"(3) One-tenth of one percent (0.1%) to be paid to the county fiscal body of the county in which the allowed city is located to make distributions to mental health and addiction service providers located in the county."

Page 19, line 4, delete "Fifteen percent (15%)" and insert "Fourteen and nine-tenths percent (14.9%)".

Page 19, between lines 5 and 6, begin a new line triple block indented and insert:

"(vi) One-tenth of one percent (0.1%) to the county for distribution to mental health and addiction service providers located in the county."

Page 19, line 11, delete "Forty percent (40%)" and insert "Thirty-nine and nine-tenths percent (39.9%)".

Page 19, between lines 23 and 24, begin a new line triple block indented and insert:

"(iv) One-tenth of one percent (0.1%) to the county for distribution to mental health and addiction service providers located in the county."

Page 22, line 4, delete "Money" and insert "(a) Subject to subsection (b), money".

Page 22, between lines 11 and 12, begin a new paragraph and insert:

"(b) At least one-tenth of one percent (0.1%) of the money received by a county under section 7(d) of this chapter must be used by the county to make distributions to mental health and addiction service providers located in the county."

Page 33, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 24. IC 4-33-13-5, AS AMENDED BY P.L.224-2003, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) This subsection does not apply to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

(1) The first thirty-three million dollars (\$33,000,000) of tax revenues collected under this chapter shall be set aside for revenue sharing under subsection (e).

(2) Subject to subsection (c), ~~twenty-five percent (25%)~~ **twenty-four and nine-tenths percent (24.9%)** of the remaining tax revenue remitted by each licensed owner shall be paid:

(A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of:

(i) a city described in IC 4-33-12-6(b)(1)(A); or

(ii) a city located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(B) to the county that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a riverboat whose home dock is not in a city described in clause (A).

(3) Subject to subsection (c), one-tenth of one percent (0.1%) of the remaining tax revenue remitted by each licensed owner shall be paid to the county in which the riverboat's home dock is located to make distributions to mental health and addiction service providers located in the county.

(4) Subject to subsection (d), the remainder of the tax revenue remitted by each licensed owner shall be paid to the property tax replacement fund. In each state fiscal year beginning after June 30, 2003, the treasurer of state shall make the transfer required by this subdivision not later than the last business day of the month in which the tax revenue is remitted to the state for deposit in the state gaming fund. However, if tax revenue is received by the state on the last business day in a month, the treasurer of state may transfer the tax revenue to the property tax replacement fund in the immediately following month.

(b) This subsection applies only to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After

funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter as follows:

(1) Thirty-seven and one half percent (37.5%) shall be paid to the property tax replacement fund established under IC 6-1.1-21.

(2) Thirty-seven and one-half percent (37.5%) shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b). However, at any time the balance in that fund exceeds twenty million dollars (\$20,000,000), the amount described in this subdivision shall be paid to the property tax replacement fund established under IC 6-1.1-21.

(3) Five percent (5%) shall be paid to the historic hotel preservation commission established under IC 36-7-11.5.

(4) Ten percent (10%) shall be paid in equal amounts to each town that:

- (A) is located in the county in which the riverboat docks; and
- (B) contains a historic hotel.

The town council shall appropriate a part of the money received by the town under this subdivision to the budget of the town's tourism commission.

~~(5) Ten percent (10%)~~ **Nine and nine-tenths percent (9.9%)** shall be paid to the county treasurer of the county in which the riverboat is docked. The county treasurer shall distribute the money received under this subdivision as follows:

(A) Twenty percent (20%) shall be quarterly distributed to the county treasurer of a county having a population of more than thirty-nine thousand six hundred (39,600) but less than forty thousand (40,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(B) Twenty percent (20%) shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(C) Sixty percent (60%) shall be retained by the county where the riverboat is docked for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body shall provide for the distribution of part or all of the money received under this clause to the following under a formula established by the county fiscal body:

(i) A town having a population of more than two thousand two hundred (2,200) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).

(ii) A town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).

(6) One-tenth of one percent (0.1%) shall be paid to the county fiscal body of the county in which the riverboat is docked to make distributions to mental health and addiction service providers located in the county.

(c) For each city and county receiving money under subsection ~~(a)(2)(A)~~ or ~~(a)(2)(C)~~; **(a)(2) or (a)(3)**, the treasurer of state shall determine the total amount of money paid by the treasurer of state to the city or county during the state fiscal year 2002. The amount determined is the base year revenue for the city or county. The

treasurer of state shall certify the base year revenue determined under this subsection to the city or county. The total amount of money distributed to a city or county under this section during a state fiscal year may not exceed the entity's base year revenue. For each state fiscal year beginning after June 30, 2002, the treasurer of state shall pay that part of the riverboat wagering taxes that:

- (1) exceeds a particular city or county's base year revenue; and
- (2) would otherwise be due to the city or county under this section;

to the property tax replacement fund instead of to the city or county.

(d) Each state fiscal year the treasurer of state shall transfer from the tax revenue remitted to the property tax replacement fund under subsection (a)(3) to the build Indiana fund an amount that when added to the following may not exceed two hundred fifty million dollars (\$250,000,000):

- (1) Surplus lottery revenues under IC 4-30-17-3.
- (2) Surplus revenue from the charity gaming enforcement fund under IC 4-32-10-6.
- (3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.

The treasurer of state shall make transfers on a monthly basis as needed to meet the obligations of the build Indiana fund. If in any state fiscal year insufficient money is transferred to the property tax replacement fund under subsection (a)(3) to comply with this subsection, the treasurer of state shall reduce the amount transferred to the build Indiana fund to the amount available in the property tax replacement fund from the transfers under subsection (a)(3) for the state fiscal year.

(e) Before August 15 of 2003 and each year thereafter, the treasurer of state shall distribute the wagering taxes set aside for revenue sharing under subsection (a)(1) to the county treasurer of each county that does not have a riverboat according to the ratio that the county's population bears to the total population of the counties that do not have a riverboat. Except as provided in subsection (h), the county auditor shall distribute the money received by the county under this subsection as follows:

- (1) To each city located in the county according to the ratio the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be retained by the county.

(f) Money received by a city, town, or county under subsection (e) or (h) may be used for any of the following purposes:

- (1) To reduce the property tax levy of the city, town, or county for a particular year (a property tax reduction under this subdivision does not reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5);
- (2) For deposit in a special fund or allocation fund created under IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and IC 36-7-30 to provide funding for additional credits for property tax replacement in property tax increment allocation areas or debt repayment.
- (3) To fund sewer and water projects, including storm water management projects.
- (4) For police and fire pensions.
- (5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county. Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5.

(g) This subsection does not apply to an entity receiving money under IC 4-33-12-6(c). Before September 15 of 2003 and each year thereafter, the treasurer of state shall determine the total amount of money distributed to an entity under IC 4-33-12-6 during the preceding state fiscal year. If the treasurer of state determines that the total amount of money distributed to an entity under IC 4-33-12-6 during the preceding state fiscal year was less than the entity's base year revenue (as determined under IC 4-33-12-6), the treasurer of state shall make a supplemental distribution to the entity from taxes collected under this chapter and deposited into the property tax replacement fund. The amount of the supplemental distribution is equal to the difference between the entity's base year revenue (as

determined under IC 4-33-12-6) and the total amount of money distributed to the entity during the preceding state fiscal year under IC 4-33-12-6.

(h) This section applies only to a county containing a consolidated city. The county auditor shall distribute the money received by the county under subsection (d) as follows:

(1) To each city, other than a consolidated city, located in the county according to the ratio that the city's population bears to the total population of the county.

(2) To each town located in the county according to the ratio that the town's population bears to the total population of the county.

(3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be paid in equal amounts to the consolidated city and the county."

Renumber all SECTIONS consecutively.

(Reference is to HB 1188 as printed January 23, 2004.)

SCHOLER

Motion failed.

HOUSE MOTION (Amendment 1188-19)

Mr. Speaker: I move that House Bill 1188 be amended to read as follows:

Page 18, between lines 7 and 8, begin a new paragraph and insert: "Sec. 7. Charter schools, as defined in IC 20-5.5-1-4, shall be included in the distribution of funds under this chapter."

Renumber all SECTIONS consecutively.

(Reference is to HB 1188 as printed January 23, 2004.)

BOSMA

Upon request of Representatives Bosma and Friend, the Chair ordered the roll of the House to be called. Roll Call 76: yeas 48, nays 45. Motion prevailed. The bill was ordered engrossed.

House Bill 1014

Representative C. Brown called down House Bill 1014 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1014-5)

Mr. Speaker: I move that House Bill 1014 be amended to read as follows:

Page 3, line 3, after "12." insert "(a)".

Page 3, between lines 6 and 7, begin a new paragraph and insert:

"(b) A student's body mass index shall not be included on a student's report card.

(c) A student's body mass index shall be disclosed to the student's parent, guardian or custodian upon request."

(Reference is to HB1014 as printed January 30, 2004.)

TURNER

Motion prevailed.

HOUSE MOTION (Amendment 1014-2)

Mr. Speaker: I move that House Bill 1014 be amended to read as follows:

Page 3, between lines 37 and 38, begin a new line block indented and insert:

"(3) Foods and beverages that are sold after normal school hours."

(Reference is to HB 1014 as printed January 30, 2004.)

RUPPEL

Motion prevailed.

HOUSE MOTION (Amendment 1014-1)

Mr. Speaker: I move that House Bill 1014 be amended to read as follows:

Page 3, line 34, delete "stated" and insert "states".

Page 5, line 6, delete "shall" and insert **"is strongly encouraged, but not required, to"**.

Page 5, line 8, delete "must" and insert **"may"**.

Page 5, line 10, delete "must" and insert **"may"**.

(Reference is to HB 1014 as printed January 30, 2004.)

HINKLE

Motion failed.

HOUSE MOTION (Amendment 1014-3)

Mr. Speaker: I move that House Bill 1014 be amended to read as follows:

Page 3, line 34, delete "Stated" and insert "States".

Page 4, between lines 38 and 39, begin a new paragraph and insert: "SECTION 6. IC 20-10.1-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) A school year is the period of time beginning after June 30 of each year and ending before July 1 of the following year, except when a different period is specified for a particular purpose.

(b) A student instructional day in grades 1 through 6 consists of a minimum of ~~five (5)~~ **five and one-half (5 ½)** hours of instructional time. A student instructional day in grades 7 through 12 consists of a minimum of six (6) hours of instructional time. For purposes of this section, instructional time is time in which students are participating in an approved course, curriculum, or educationally related activity under the direction of a teacher, including a reasonable amount of passing time between classes. However, instructional time does not include lunch or recess.

(c) For the 1987-88 school year, each school corporation shall conduct at least one hundred seventy-five (175) student instructional days. For the 1988-89 school year and each school year after that, each school corporation shall conduct at least one hundred eighty (180) student instructional days. No later than June 15 of each school year, the superintendent of each school corporation shall certify to the department the number of student instructional days conducted during that school year.

(d) If a school corporation fails to conduct the minimum number of student instructional days during a school year as required under subsection (c), the department shall reduce the August tuition support distribution to that school corporation by an amount determined as follows:

(1) For the 1987-88 school year, the amount determined under STEP THREE of the following formula:

STEP ONE: Divide the amount of the total tuition support allocated to the school corporation for the 1987-88 school year by one hundred seventy-five (175).

STEP TWO: Subtract the number of student instructional days that the school corporation conducted from one hundred seventy-five (175).

STEP THREE: Multiply the amount determined under STEP ONE by the amount determined under STEP TWO.

(2) For the 1988-89 school year and each school year after that, the amount determined under STEP NINE of the following formula:

STEP ONE: Determine the remainder of:

(A) the amount of the total tuition support allocated to the school corporation for the particular school year; minus

(B) that part of the total tuition support allocated to the school corporation for that school year with respect to student instructional days one hundred seventy-six (176) through one hundred eighty (180).

STEP TWO: Subtract the number of student instructional days that the school corporation conducted from one hundred eighty (180).

STEP THREE: Determine the lesser of five (5) or the remainder determined under STEP TWO.

STEP FOUR: Divide the amount subtracted under STEP ONE(B) by five (5).

STEP FIVE: Multiply the quotient determined under STEP FOUR by the number determined under STEP THREE.

STEP SIX: Subtract the number determined under STEP THREE from the remainder determined under STEP TWO.

STEP SEVEN: Divide the remainder determined under STEP ONE by one hundred seventy-five (175).

STEP EIGHT: Multiply the quotient determined under STEP SEVEN by the remainder determined under STEP SIX.

STEP NINE: Add the product determined under STEP FIVE to the product determined under STEP EIGHT.

(e) The department may grant a waiver of the penalty imposed under subsection (d) for a particular number of cancelled student instructional days if:

(1) the school corporation applies to the department for a waiver of the penalty imposed under subsection (d) for a specific number of cancelled student instructional days; and

(2) each of the particular number of student instructional days requested to be waived under this subsection was cancelled due to extraordinary circumstances.

(f) The department shall develop guidelines for school corporations to apply for a waiver under subsection (e)."

Renumber all SECTIONS consecutively.

(Reference is to HB 1014 as printed January 30, 2004.)

THOMPSON

The Chair ordered a division of the House and appointed Representatives Stilwell and Bosma to count the yeas and nays. Yeas 41, nays 53. Motion failed. The bill was ordered engrossed.

Representative Bardon, who had been excused, was present.

House Bill 1147

Representative Crooks called down House Bill 1147 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1147-1)

Mr. Speaker: I move that House Bill 1147 be amended to read as follows:

Page 7, between lines 15 and 16, begin a new paragraph and insert:

"(f) The bureau may not register and assign more than one (1) license plate with the same number under this section."

(Reference is to HB 1147 as printed January 30, 2004.)

RESKE

The Chair ordered the roll of the House to be called. Roll Call 77: yeas 60, nays 33. Motion prevailed.

HOUSE MOTION
(Amendment 1147-2)

Mr. Speaker: I move that House Bill 1147 be amended to read as follows:

Page 6, line 8, after "(b)" insert **"This subsection expires December 31, 2004."**

Page 6, line 11, after "(c)" insert **"This subsection expires December 31, 2004."**

(Reference is to HB 1147 as printed January 30, 2004.)

SCHOLER

Motion prevailed. The bill was ordered engrossed.

House Bill 1309

Representative Liggett called down House Bill 1309 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1309-1)

Mr. Speaker: I move that House Bill 1309 be amended to read as follows:

Page 6, line 10, delete "," and insert ":

(1) the employer's insurance carrier or other entity insuring or providing coverage to the employer that is required under IC 22-3-5-1; or

(2)".

Page 6, line 10, after "employer" insert ", if the employer is carrying the employer's own risk under IC 22-3-5-1;".

Page 6, line 10, block left beginning with "shall".

Page 60, line 29, delete "," and insert ":

(1) the employer's insurance carrier or other entity insuring or providing coverage to the employer that is required under IC 22-3-7-34; or

(2)".

Page 60, line 29, after "employer" insert ", if the employer is carrying the employer's own risk under IC 22-3-7-34;".

Page 60, line 29, block left beginning with "shall".

(Reference is to HB 1309 as printed January 30, 2004.)

LIGGETT

The Chair ordered a division of the House and appointed Representatives Stilwell and Bosma to count the yeas and nays. Yeas 47, nays 47. Motion failed. The bill was ordered engrossed.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

House Bill 1156

Representative Hasler called down House Bill 1156 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1156-1)

Mr. Speaker: I move that House Bill 1156 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-23-16-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4.1. (a) The governor shall appoint an executive director of the commission who serves at the governor's pleasure. The commission shall advise the governor in the selection of the executive director. The executive director is the chief information officer of Indiana.

(b) Subject to the approval of the commission, the executive director may do the following:

(1) Employ staff necessary to advise and assist the commission as required by this chapter.

(2) Fix compensation of staff according to the policies currently enforced by the budget agency and the state personnel department.

(3) Engage experts and consultants to assist the commission.

(4) Expend funds made available to the staff according to the policies established by the budget agency.

(5) Establish policies, procedures, standards, and criteria necessary to carry out the duties of the staff of the commission."

Page 2, line 5, delete "a member of the" and insert **"the executive director of the commission"**.

Page 2, line 6, delete "commission's staff".

Renumber all SECTIONS consecutively.

(Reference is to HB 1156 as printed January 30, 2004.)

HASLER

Motion prevailed. The bill was ordered engrossed.

House Bill 1360

Representative Richardson called down House Bill 1360 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1360-1)

Mr. Speaker: I move that House Bill 1360 be amended to read as follows:

Page 3, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 5. IC 3-6-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) Each bona fide political party or an independent candidate for a federal or a state office is entitled to appoint watchers at each precinct in which the political party or independent candidate is on the ballot.

(b) This subsection applies to a public question that is submitted to the electorate. A county election board may appoint watchers if a petition requesting the appointment is filed with the board. The petition must be signed by:

(1) the chairman of a political action committee organized under IC 3-9 to support or oppose the approval of the public question; and

(2) at least the number of voters equal to:

(A) two percent (2%); and

(B) for elections held after December 31, 2004, one-half percent (0.5%);

of the votes cast in the last election for secretary of state in the county.

(c) At any time during election day, each political action committee, each political party, or an independent candidate for a federal or a state office may have only one (1) watcher present at each precinct's polls."

Page 6, between lines 3 and 4, begin a new paragraph and insert: "SECTION 11. IC 3-8-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) This chapter applies to each political party in the state whose nominee received at least two percent (2%) of the total vote cast for secretary of state at the last election.

(b) After December 31, 2004, this chapter applies to each political party in the state:

(1) whose nominee for:

(A) any federal office (excluding the office of representative in the Congress of the United States); or

(B) any state office;

received at least one-half percent (0.5%) of the total vote cast at the last election for that office; or

(2) that, under section 1.5 of this chapter, obtains by petition the signatures of the number of registered voters equal to at least one-half percent (0.5%) of the total vote cast for secretary of state at the last election.

SECTION 12. IC 3-8-4-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1.5. (a) This section applies after December 31, 2004.

(b) A petition described in section 1(b)(2) of this chapter must be signed by the number of voters equal to at least one-half percent (0.5%) of the total vote cast for secretary of state at the last election.

(c) A person signing a petition described in section 1(b)(2) of this chapter must be registered to vote at the time of signing the petition.

(d) A petition must contain the following information:

(1) A brief name of the political party circulating the petition.

(2) The signature of each person signing the petition.

(3) The name of each person signing the petition, legibly printed.

(4) The residence mailing address of each person signing the petition.

(5) A statement that the person is a registered and qualified voter.

(e) Each person signing a petition described in section 1(b)(2) of this chapter must sign the person's name or have the person's mark on the petition attested.

(f) For a petition described in section 1(b)(2) of this chapter to be considered valid, each person signing the petition must be certified as being a voter in a particular county by the circuit court clerk or board of registration of the county in which the person is registered. The certification must accompany and be part of each petition.

(g) A petition described in section 1(b)(2) of this chapter, accompanied by the certification described in subsection (f), must be submitted to the office of the election division or circuit court clerk not later than noon of the third Tuesday of May of the year in which the party plans to conduct a state convention to nominate its candidates.

(h) If the office of the election division or the circuit court clerk determines that a petition described in section 1(b)(2) of this chapter does not comply with the requirements of this section, the office or the clerk shall notify the party's state chairman not later than thirty (30) days after the petition is submitted, specifically stating the reason or reasons the petition does not comply with this section.

SECTION 13. IC 3-8-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. (a) This section applies as follows:

(1) Before January 1, 2005, to a political party whose nominee received at least two percent (2%) but less than ten percent (10%) of the votes cast for secretary of state at the last election

for that office.

(2) After December 31, 2004, to a political party:

(A) whose nominee for:

(i) any federal office (excluding the office of representative in the Congress of the United States); or

(ii) any state office;

received at least one-half percent (0.5%) but less than ten percent (10%) of the votes cast for that office at the last election for that office; or

(B) that, under section 1.5 of this chapter, obtains by petition the signatures of the number of registered voters equal to at least one-half percent (0.5%) of the total vote cast for secretary of state at the last election.

(b) A political party subject to this section shall also nominate the party's candidates for the following offices at the state convention of the party:

(1) United States Senator.

(2) United States Representative.

(3) Governor.

(4) Legislative office.

(5) A local office listed in IC 3-8-2-5."

Page 6, between lines 33 and 34, begin a new paragraph and insert: "SECTION 15. IC 3-8-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) A petition of nomination must be signed by the number of voters equal to:

(1) before January 1, 2005, two percent (2%); and

(2) after December 31, 2004, one-half percent (0.5%);

of the total vote cast at the last election for secretary of state in the election district that the candidate seeks to represent.

(b) In determining the number of signatures required under this section, any fraction in excess of a whole number must be disregarded.

SECTION 16. IC 3-8-6-10, AS AMENDED BY P.L.260-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. (a) Except as provided in section 11 of this chapter, a petition of nomination must be submitted to the county voter registration office of each county in which the election district is located.

(b) The petition must be filed during the period beginning January 1 of the year in which the election will be held and ~~ending at not later than noon June 30 before the election: on the date specified by IC 3-13-1-7(a)(1) for a major political party to act to fill a candidate vacancy.~~

(c) The county voter registration office shall certify and file a petition that complies with the requirements of this chapter with the public official authorized to place names on the ballot (and with the town clerk-treasurer, if the petition of nomination is for a town office) not later than noon ~~July 15: on the date specified by IC 3-13-1-15(c) for a major political party to file a certificate of candidate selection.~~ Following certification of a petition under this section, the office may, upon the request of a candidate named in the petition, return the original petition to the candidate for filing with the appropriate official in accordance with this subsection.

(d) During a year in which a federal decennial census, federal special census, special tabulation, or corrected population count becomes effective under IC 1-1-3.5, a petition of nomination may be filed for an office that will appear on the primary election ballot that year as a result of the new tabulation of population or corrected population count.

SECTION 17. IC 3-8-6-13.5, AS AMENDED BY P.L.260-2001, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13.5. A candidate may withdraw a petition of nomination ~~by noon:~~

(1) July 15 before a general or municipal election; or

(2) forty-five (45) days before a special election:

by filing a notice of withdrawal in accordance with IC 3-8-7-28.

SECTION 18. IC 3-8-7-8, AS AMENDED BY P.L.260-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. (a) Either the chairman and secretary of a state convention or the state chairman and state secretary of the political party holding the state convention shall certify each candidate nominated at the convention to the secretary of

state not later than noon ~~July 15 before the general election~~ **on the date specified by IC 3-13-1-15(c) for a major political party to file a certificate of candidate selection.**

(b) The certificate must state the following:

(1) Whether each candidate nominated by the convention has complied with IC 3-9-1-5 by filing a campaign finance statement of organization.

(2) That the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(c) The commission shall prescribe the form of the certificate of nomination for the offices. The commission shall provide that the form of the certificate of nomination include the following information near the separate signature required by subsection (b)(2):

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(d) A certificate of nomination must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the certificate of nomination. If there is a difference between the name on the candidate's certificate of nomination and the name on the candidate's voter registration record, the officer with whom the certificate of nomination is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's certificate of nomination.

SECTION 19. IC 3-8-7-14, AS AMENDED BY P.L.66-2003, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 14. (a) This section does not apply to the certification of nominees under IC 3-10-4-5.

(b) A certificate of nomination required to be filed with the election division or circuit court clerk shall be filed not later than noon ~~July 15 before the date fixed for the election of the person nominated~~ **on the date specified by IC 3-13-1-15(c) for a major political party to file a certificate of candidate selection.**

Page 7, between lines 4 and 5, begin a new paragraph and insert: "SECTION 21. IC 3-8-7-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 25. (a) The election division and each county election board shall have printed on the respective general, special, or municipal election ballots the names of the following candidates:

(1) Nominees chosen at a primary election under IC 3-10 and certified as required by this chapter.

(2) Nominees chosen by a convention of a political party in the state whose candidate:

(A) **before January 1, 2005**, received at least two percent (2%) of the total vote cast for secretary of state at the last election; or

(B) **after December 31, 2004 for:**

(i) **any federal office (excluding the office of representative in the Congress of the United States); or**

(ii) **any state office;**

received at least one-half percent (0.5%) of the total vote cast for that office at the last election;

and was certified under section 8 of this chapter.

(3) Nominees nominated by petition under IC 3-8-6.

(4) Nominees selected to fill a candidate vacancy under IC 3-13-1 or IC 3-13-2.

(b) **This subsection applies after December 31, 2004. Candidates of a political party who are listed on an election ballot under subsection (a)(2) are entitled to be listed on the ballot for all general, special, and municipal elections until none of the political party's candidates for:**

(1) any federal office (excluding the office of representative in the Congress of the United States); or

(2) any state office;

receives at least one-half percent (0.5%) of the total vote cast for any of those offices in two (2) consecutive elections."

Page 8, line 7, after "applies" insert "as follows:

(1) Before January 1, 2005,"

Page 8, between lines 10 and 11, begin a new line block indented and insert:

"(2) After December 31, 2004, to a political party:

(A) whose nominee for:

(i) any federal office (excluding the office of representative in the Congress of the United States); or

(ii) any state office;

received at least one-half percent (0.5%) but less than ten percent (10%) of the total vote cast at the last election for that office; or

(B) that, under section 15.2 of this chapter, obtains by petition the signatures of the number of registered voters equal to at least one-half percent (0.5%) of the votes cast for secretary of state at the last election for that office in a political subdivision."

Page 9, between lines 17 and 18, begin a new paragraph and insert: "SECTION 24. IC 3-10-2-15.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 15.2. (a) **This section applies after December 31, 2004.**

(b) A petition described in section 15(a)(2)(B) of this chapter must be signed by the number of voters equal to at least one-half percent (0.5%) of the total vote cast for secretary of state at the last election in a political subdivision.

(c) A person signing a petition described in section 15(a)(2)(B) of this chapter must be registered to vote at the time of signing the petition.

(d) A petition must contain the following information:

(1) A brief name of the political party circulating the petition.

(2) The signature of each person signing the petition.

(3) The name of each person signing the petition, legibly printed.

(4) The residence mailing address of each person signing the petition.

(5) A statement that the person is a registered and qualified voter.

(e) Each person signing a petition described in section 15(a)(2)(B) of this chapter must sign the person's name or have the person's mark on the petition attested.

(f) For a petition described in section 15(a)(2)(B) of this chapter to be considered valid, each person signing the petition must be certified as being a voter in a particular county by the circuit court clerk or board of registration of the county in which the person is registered. The certification must accompany and be part of each petition.

(g) A petition described in section 15(a)(2)(B) of this chapter, accompanied by the certification described in subsection (e), must be submitted to the circuit court clerk of the county in which the political subdivision is located not later than noon the third Tuesday of May of the year in which the party plans to conduct a convention in the political subdivision to nominate its candidates.

(h) If the circuit court clerk of the county in which the political subdivision is located determines that a petition described in section 15(a)(2)(B) of this chapter does not comply with the requirements of this section, the clerk shall notify the party's county chairman not later than thirty (30) days after the petition is submitted, specifically stating the reason or reasons the petition does not comply with this section."

Renumber all SECTIONS consecutively.

(Reference is to HB 1360 as printed January 30, 2004.)

PIERCE

Upon request of Representatives Bosma and Friend, the Speaker ordered the roll of the House to be called. Roll Call 78: yeas 26, nays 64. Motion failed. The bill was ordered engrossed.

House Bill 1349

Representative Chowning called down House Bill 1349 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1349-1)

Mr. Speaker: I move that House Bill 1349 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 34-6-2-46.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 46.7. "Firearm", for purposes of IC 34-30-20, has the meaning set forth in IC 35-47-1-5."

Page 1, between lines 8 and 9, begin a new paragraph and insert: "SECTION 3. IC 34-30-20 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 20. Immunity of Firearm Owner if Firearm Used in a Crime

Sec. 1. A person is immune from civil liability based on an act or omission related to a firearm owned or controlled by the person, unless the person entrusted the firearm to another person in furtherance of a criminal act."

Page 3, after line 32, begin a new paragraph and insert:

"SECTION 7. [EFFECTIVE UPON PASSAGE] IC 34-30-20, as added by this act, applies to a cause of action filed after January 1, 1995.

SECTION 8. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1349 as printed January 30, 2004.)

MURPHY

Upon request of Representatives Murphy and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 79: yeas 76, nays 13. Motion prevailed. The bill was ordered engrossed.

House Bill 1017

Representative Grubb called down House Bill 1017 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1081

Representative Mays called down House Bill 1081 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1320

Representative Hasler called down House Bill 1320 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1320-1)

Mr. Speaker: I move that House Bill 1320 be amended to read as follows:

Page 14, after line 42, begin a new paragraph and insert:

"SECTION 10. [EFFECTIVE JULY 1, 2004] (a) **In addition to the duties specified under IC 2-5-26, the select joint commission on Medicaid oversight established by IC 2-5-26-3 shall, to the extent the commission determines is feasible after consultation with the office of Medicaid policy and planning established by IC 12-8-6-1, study the following effects of the repeal of continuous eligibility for children under the Indiana Medicaid program and the children's health insurance program established under IC 12-17-6-2:**

(1) Effects on government, including the following:

(A) Costs to Medicaid and the division of family and children established by IC 12-13-1-1 due to more frequent recertification requirements.

(B) Loss of revenue from federal matching funds that could not be obtained because of the repeal of continuous eligibility.

(2) Effects on the economy, including the following:

(A) Indirect cost-shifting to providers due to increased charity care because recipients have lapses in eligibility.

(B) Increased burdens on township assistance (poor relief).

(3) Effects on children, including the following:

(A) Increases in the level of uninsured children in Indiana.

(B) Decreases in wellness and the effects on the educational abilities of sicker children.

(4) Effects on families, including the following:

(A) Effects on family income due to the burden of sicker children.

(B) Effects on the ability of parents to maintain stable employment due to sicker children or more burdensome recertification procedures.

(b) The select joint commission on Medicaid oversight shall submit to the legislative council before November 1, 2004, a report of its findings and recommendations concerning the study under subsection (a). The report must be submitted in an electronic format under IC 5-14-6.

(c) This SECTION expires January 1, 2005."

Renumber all SECTIONS consecutively.

(Reference is to HB 1320 as printed January 30, 2004.)

HASLER

Motion prevailed. The bill was ordered engrossed.

House Bill 1207

Representative Kuzman called down House Bill 1207 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1207-1)

Mr. Speaker: I move that House Bill 1207 be amended to read as follows:

Page 6, between lines 18 and 19, begin a new paragraph and insert: "SECTION 4. IC 7.1-3-1-25, AS AMENDED BY P.L.170-2002, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 25. (a) A city or county listed in this subsection that by itself or in combination with any other municipal body acquires by ownership or by lease any stadium, exhibition hall, auditorium, theater, convention center, or civic center may permit the retail sale of alcoholic beverages upon the premises if the governing board of the facility first applies for and secures the necessary permits as required by this title. The cities and counties to which this subsection applies are as follows:

(1) A consolidated city or its county.

(2) A city of the second class.

(3) A county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000).

(4) A county having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).

(5) A county having a population of more than one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000).

(6) A county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

(7) A city having a population of more than five thousand one hundred thirty-five (5,135) but less than five thousand two hundred (5,200).

(8) A county having a population of more than one hundred twenty thousand (120,000) but less than one hundred thirty thousand (130,000).

(9) A county having a population of more than one hundred eighty thousand (180,000) but less than one hundred eighty-two thousand seven hundred ninety (182,790).

(b) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) or a township located in such a county that has established a public park with a golf course within its jurisdiction under IC 36-10-3 or IC 36-10-7 may be issued a permit for the retail sale of alcoholic

beverages on the premises of any community center within the park, including a clubhouse, social center, or pavilion.

(c) A township that:

- (1) is located in a county having a population of more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000); and
- (2) acquires ownership of a golf course;

may permit the retail sale of alcoholic beverages upon the premises of the golf course, if the governing board of the golf course first applies for and secures the necessary permits required by this title.

(d) A township:

- (1) having a population of more than thirty-five thousand (35,000) but less than one hundred thousand (100,000); and
- (2) located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);

may be issued a permit for the retail sale of alcoholic beverages on the premises of any community center or social center that is located within the township and operated by the township.

(e) If a township acquires a community center or social center after January 1, 2004, and before January 1, 2005, the commission may issue a permit to the township to sell alcoholic beverages for on premises consumption on the premises of the community center or social center.

(f) A city that:

- (1) has a population of:
 - (A) more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000); or
 - (B) more than forty-six thousand five hundred (46,500) but less than fifty thousand (50,000); and
- (2) owns a golf course;

may permit the retail sale of alcoholic beverages upon the premises of the golf course if the governing board of the golf course first applies for and secures the necessary permits required by this title.

~~(f)~~ (g) A city that:

- (1) has a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800); and
- (2) owns or leases a marina;

may permit the retail sale of alcoholic beverages upon the premises of the marina, if the governing board of the marina first applies for and secures the necessary permits required by this title. The permit may include the carryout sale of alcoholic beverages in accordance with IC 7.1-3-4-6(c), IC 7.1-3-9-9(c), IC 7.1-3-14-4(c), and 905 IAC 1-29 but may not include at-home delivery of alcoholic beverages.

~~(g)~~ (h) A city listed in this subsection that owns a marina may be issued a permit for the retail sale of alcoholic beverages on the premises of the marina. The permit may include the carryout sale of alcoholic beverages in accordance with IC 7.1-3-4-6(c), IC 7.1-3-9-9(c), IC 7.1-3-14-4(c), and 905 IAC 1-29 but may not include at-home delivery of alcoholic beverages. However, the city must apply for and secure the necessary permits that this title requires. This subsection applies to the following cities:

- (1) A city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).
- (2) A city having a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).
- (3) A city having a population of more than thirty-two thousand eight hundred (32,800) but less than thirty-three thousand (33,000).
- (4) A city having a population of more than thirty-three thousand (33,000) but less than thirty-six thousand (36,000).
- (5) A city having a population of more than twenty-seven thousand (27,000) but less than twenty-seven thousand four hundred (27,400).

~~(h)~~ (i) Notwithstanding subsection (a), the commission may issue a civic center permit to a person that:

- (1) by the person's self or in combination with another person is the proprietor, as owner or lessee, of an entertainment complex; or
- (2) has an agreement with a person described in subdivision (1) to act as a concessionaire for the entertainment complex for the full period for which the permit is to be issued."

Renumber all SECTIONS consecutively.

(Reference is to HB 1207 as printed January 27, 2004.)

PELATH

Motion prevailed.

HOUSE MOTION (Amendment 1207-4)

Mr. Speaker: I move that House Bill 1207 be amended to read as follows:

Page 15, line 2, delete "(a) This SECTION" and insert "Notwithstanding Section 12 of this Act, the residency requirement of five (5) years for beer wholesalers shall remain in effect for all contracts entered into before July 1, 2004 under which a permit is to be transferred from an Indiana resident to a person who was not an Indiana resident at the time of execution of the contract".

Page 15, delete lines 3 through 6.

Page 15, run in lines 2 through 7.

(Reference is to HB 1207 as printed January 27, 2004.)

WHETSTONE

Motion prevailed.

HOUSE MOTION (Amendment 1207-5)

Mr. Speaker: I move that House Bill 1207 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

SECTION 1. IC 4-1-8-1, AS AMENDED BY P.L.178-2003, SECTION 1, IS AMENDED TO READ AS FOLLOWS: Sec. 1. (a) No individual may be compelled by any state agency, board, commission, department, bureau, or other entity of state government (referred to as "state agency" in this chapter) to provide the individual's Social Security number to the state agency against the individual's will, absent federal requirements to the contrary. However, the provisions of this chapter do not apply to the following:

- (1) Department of state revenue.
- (2) Department of workforce development.
- (3) The programs administered by:
 - (A) the division of family and children;
 - (B) the division of mental health and addiction;
 - (C) the division of disability, aging, and rehabilitative services; and
 - (D) the office of Medicaid policy and planning;
- of the office of the secretary of family and social services.
- (4) Auditor of state.
- (5) State personnel department.
- (6) Secretary of state, with respect to the registration of broker-dealers, agents, and investment advisors.
- (7) The legislative ethics commission, with respect to the registration of lobbyists.
- (8) Indiana department of administration, with respect to bidders on contracts.
- (9) Indiana department of transportation, with respect to bidders on contracts.
- (10) Health professions bureau.
- (11) Indiana professional licensing agency.
- (12) Indiana department of insurance, with respect to licensing of insurance producers.
- (13) A pension fund administered by the board of trustees of the public employees' retirement fund.
- (14) The Indiana state teachers' retirement fund.
- (15) The state police benefit system.

(16) The Indiana Alcohol and Tobacco Commission.

(b) The bureau of motor vehicles may, notwithstanding this chapter, require the following:

- (1) That an individual include the individual's Social Security number in an application for an official certificate of title for any vehicle required to be titled under IC 9-17.
- (2) That an individual include the individual's Social Security number on an application for registration.
- (3) That a corporation, limited liability company, firm, partnership, or other business entity include its federal tax identification number on an application for registration.

(c) The Indiana department of administration, the Indiana department of transportation, the health professions bureau, and the Indiana professional licensing agency may require an employer to provide its federal employer identification number.

(d) The department of correction may require a committed offender to provide the offender's Social Security number for purposes of matching data with the Social Security Administration to determine benefit eligibility.

(e) The Indiana gaming commission may, notwithstanding this chapter, require the following:

(1) That an individual include the individual's Social Security number in any application for a riverboat owner's license, supplier's license, or occupational license.

(2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity include its federal tax identification number on an application for a riverboat owner's license or supplier's license.

(f) Notwithstanding this chapter, the professional standards board established by IC 20-1-1.4-2 may require an individual who applies to the board for a license or an endorsement to provide the individual's Social Security number. The Social Security number may be used by the board only for conducting a background investigation, if the board is authorized by statute to conduct a background investigation of an individual for issuance of the license or endorsement.

Renumber all SECTIONS consecutively.

(Reference is to HB 1207 as printed January 27, 2004.)

WHETSTONE

Motion prevailed.

HOUSE MOTION (Amendment 1207-10)

Mr. Speaker: I move that House Bill 1207 be amended to read as follows:

Page 5, between lines 22 and 23, begin a new paragraph and insert: SECTION 3. IC 7.1-3-1-7, AS AMENDED BY P.L.205-1999, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. (a) An applicant for a brewer's permit **for a brewery that manufactures not more than twenty thousand (20,000) barrels of beer in a calendar year**, a distiller's permit, or a liquor wholesaler's permit shall file with the commission a surety bond in the penal sum of ten thousand dollars (\$10,000).

(b) An applicant for a rectifier's permit shall file with the commission a surety bond in the penal sum of fifteen thousand dollars (\$15,000).

(c) An applicant for a vintner's permit shall file with the commission a surety bond in the penal sum of one thousand dollars (\$1,000).

Page 5, line 34, reset in roman "12:30 a.m."

Page 5, line 34, delete "3 a.m."

Page 7, between lines 35 and 36, begin a new paragraph and insert: SECTION 6. IC 7.1-3-2-2 IS AMENDED TO READ AS FOLLOWS: Sec. 2. **(a) Except as provided in subsection (b), The** the commission may issue a brewer's permit only to:

- (1) an individual;
- (2) a partnership, all the partners of which are bona fide residents of this state;
- (3) a limited liability company, all the members of which are bona fide residents of this state; or
- (4) a corporation organized and existing under the laws of this state and having authority under its charter to manufacture or sell beer.

(b) The commission may issue a brewer's permit to a brewer for a brewery that manufactures not more than twenty thousand (20,000) barrels of beer in a calendar year to an individual, a partnership, a limited liability company or a corporation.

Renumber all SECTIONS consecutively.

(Reference is to HB 1207 as printed January 27, 2004.)

ALDERMAN

Motion prevailed.

HOUSE MOTION (Amendment 1207-8)

Mr. Speaker: I move that House Bill 1207 be amended to read as follows:

Page 5, between lines 22 and 23, begin a new paragraph and insert: "SECTION 3. IC 7.1-2-3-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 32. (a) The commission, by rule, ~~may~~ **shall** provide procedures whereby two (2) or more retailers and dealers may enter into a formal group purchasing agreement for the purpose of purchasing ~~alcoholic beverages~~ **wine and liquor** from permittees authorized to sell ~~alcoholic beverages~~ **wine and liquor** to them.

(b) ~~If the commission exercises the power granted in The rule described in subsection (a) the rule shall make provisions for at least the following:~~

- (1) the formal requirements of a group purchasing agreement;
- (2) the vesting of title to the ~~alcoholic beverages~~ **wine and liquor** purchased under a group purchasing agreement;
- (3) the transportation by retailers and dealers of the ~~alcoholic beverages~~ **wine and liquor** purchased under a group purchasing agreement;
- (4) the purchase and transportation of ~~alcoholic beverages~~ **wine and liquor** by retailers and dealers, whether they are parties to a group purchasing agreement or not, as a result of a service interruption or other emergency; and
- (5) the filing requirements of a group purchasing agreement or any amendments or additions thereto."

Renumber all SECTIONS consecutively.

(Reference is to HB 1207 as printed January 27, 2004.)

KUZMAN

Motion failed. The bill was ordered engrossed.

House Bill 1273

Representative Fry called down House Bill 1273 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1293

Representative Pierce called down House Bill 1293 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1293-1)

Mr. Speaker: I move that House Bill 1293 be amended to read as follows:

Page 2, after line 7, begin a new paragraph and insert:

"SECTION 2. IC 13-26-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. Revenue bonds may:

- (1) bear interest, at a rate or rates not exceeding the maximum determined by the board, that is payable ~~annually~~ or ~~at shorter intervals~~; **accrues as determined by the board.**
- (2) mature at a time or times to be determined by ordinance; and
- (3) be made redeemable before maturity at the option of the district, to be exercised by the board, at not more than the par value and a premium not exceeding five percent (5%) under terms and conditions that are fixed by the ordinance authorizing the issuance of the bonds."

Renumber all SECTIONS consecutively.

(Reference is to HB 1293 as printed January 30, 2004.)

OXLEY

Motion prevailed. The bill was ordered engrossed.

House Bill 1284

Representative Aguilera called down House Bill 1284 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1265

Representative Kersey called down House Bill 1265 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1265-1)

Mr. Speaker: I move that House Bill 1265 be amended to read as follows:

Page 4, delete line 41, begin a new paragraph and insert:

"(c) The state Medicaid program may not participate in the program under this chapter."

Page 5, between lines 1 and 2, begin a new paragraph and insert:

"Sec. 7. The program may not include the purchase of prescription drugs obtained from a country other than the United States."

Sec. 8. (a) Participation in the program by a pharmaceutical manufacturer is voluntary.

(b) The state may not:

(1) require prior authorization for a prescription drug in the state Medicaid program under IC 12-15; or

(2) otherwise penalize a pharmaceutical manufacturer;

because the pharmaceutical manufacturer is not participating in the program.

Sec. 9. Any information, including prescription drug prices and discounts, provided to the state under this chapter is confidential and is exempt from disclosure under IC 5-14-3.

Sec. 10. A drug store may negotiate prescription drug prices and discounts with a pharmaceutical manufacturer to participate in the program."

Page 5, line 2, delete "7." and insert "11."

Page 5, line 10, delete "residents." and insert **"residents covered under this chapter."**

Sec. 2. The state Medicaid program may not participate in a program entered into under this chapter.

Sec. 3. (a) The program described in this chapter may not include the purchase of prescription drugs obtained from a country other than the United States.

(b) The state may not participate in a program described in this chapter that:

(1) requires prior authorization of a prescription drug in the state Medicaid program under IC 12-15; or

(2) otherwise penalizes a pharmaceutical manufacturer;

because a pharmaceutical manufacturer does not participate in the program.

Sec. 4. Any information, including prescription drug prices and discounts, provided under this chapter is confidential and is exempt from disclosure under IC 5-14-3."

Page 5, line 27, delete "feasibility" and insert **"feasibility, costs, and legal parameters"**.

(Reference is to HB 1265 as printed January 30, 2004.)

KERSEY

Motion prevailed. The bill was ordered engrossed.

House Bill 1245

Representative Van Haaften called down House Bill 1245 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1245-1)

Mr. Speaker: I move that House Bill 1245 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 35-40-6-4, AS ADDED BY P.L.139-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) As used in this section, "identifying information" has the meaning set forth in IC 35-43-5-1.

(b) A prosecuting attorney or a victim assistance program shall do the following:

(1) Inform a victim that the victim may be present at all public stages of the criminal justice process to the extent that:

(A) the victim's presence and statements do not interfere with a defendant's constitutional rights; and

(B) there has not been a court order restricting, limiting, or prohibiting attendance at the criminal proceedings.

(2) Timely notify a victim of all criminal justice hearings and

proceedings that are scheduled for a criminal matter in which the victim was involved.

(3) Promptly notify a victim when a criminal court proceeding has been rescheduled or canceled.

(4) Obtain an interpreter or translator, if necessary, to advise a victim of the rights granted to a victim under the law.

(5) Coordinate efforts of local law enforcement agencies that are designed to promptly inform a victim after an offense occurs of the availability of, and the application process for, community services for victims and the families of victims, including information concerning services such as the following:

(A) Victim compensation funds.

(B) Victim assistance resources.

(C) Legal resources.

(D) Mental health services.

(E) Social services.

(F) Health resources.

(G) Rehabilitative services.

(H) Financial assistance services.

(I) Crisis intervention services.

(J) Transportation and child care services to promote the participation of a victim or a member of the victim's immediate family in the criminal proceedings.

(6) Inform the victim that the court may order a defendant convicted of the offense involving the victim to pay restitution to the victim under IC 35-50-5-3.

(7) Upon request of the victim, inform the victim of the terms and conditions of release of the person accused of committing a crime against the victim.

(8) Upon request of the victim, give the victim notice of the criminal offense for which:

(A) the defendant accused of committing the offense against the victim was convicted or acquitted; or

(B) the charges were dismissed against the defendant accused of committing the offense against the victim.

(9) In a county having a victim-offender reconciliation program (VORP), provide an opportunity for a victim, if the accused person or the offender agrees, to:

(A) meet with the accused person or the offender in a safe, controlled environment;

(B) give to the accused person or the offender, either orally or in writing, a summary of the financial, emotional, and physical effects of the offense on the victim and the victim's family; and

(C) negotiate a restitution agreement to be submitted to the sentencing court for damages incurred by the victim as a result of the offense.

(10) Assist a victim in preparing verified documentation necessary to obtain a restitution order under IC 35-50-5-3.

(11) Advise a victim of other rights granted to a victim under the law.

(c) Except as provided in subsection (d), a prosecuting attorney shall not disclose victim identifying information during discovery and other proceedings.

(d) For good cause shown, the court may order the disclosure of victim identifying information. The court may impose reasonable restrictions on the disclosure of victim identifying information, including a requirement that the identifying information not be disclosed to the defendant."

Page 2, between lines 27 and 28, begin a new paragraph and insert: **"SECTION 3. IC 35-46-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. (a) A person at least eighteen (18) years of age or older who knowingly or intentionally encourages, aids, induces, or causes a person under less than eighteen (18) years of age to commit an act of delinquency (as defined by IC 31-37-1 or IC 31-37-2) commits contributing to delinquency, a Class A misdemeanor.**

(b) However, the an offense described in subsection (a) is a Class C felony if:

(1) the:

(A) person knowingly or intentionally furnishes:

(i) an alcoholic beverage to a person less than eighteen (18) years of age in violation of IC 7.1-5-7-8 when the person knew or reasonably should have known that the person was less than eighteen (18) years of age; or
(ii) a controlled substance (as defined in IC 35-48-1-9) or a drug (as defined in IC 9-13-2-49.1) in violation of Indiana law; and

(B) consumption, ingestion, or use of the alcoholic beverage, controlled substance, or drug is the proximate cause of the death of any person; or

(2) the person is at least eighteen (18) years of age and knowingly or intentionally encourages, aids, induces, or causes a person less than eighteen (18) years of age to commit an act that would be a felony if committed by an adult under any of the following:

- (+) (A) IC 35-48-4-1.
- (2) (B) IC 35-48-4-2.
- (3) (C) IC 35-48-4-3.
- (4) (D) IC 35-48-4-4.
- (5) (E) IC 35-48-4-4.5.
- (6) (F) IC 35-48-4-4.6. or
- (7) (G) IC 35-48-4-5."

Page 2, line 28, delete "," and insert "and IC 35-46-1-8, both".

Page 2, line 29, delete "applies" and insert "apply".

Re-number all SECTIONS consecutively.

(Reference is to HB 1245 as printed January 30, 2004.)

KUZMAN

Motion prevailed. The bill was ordered engrossed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means withdrawn

The Speaker announced that the referral of House Bills 1340, 1352, and 1359 to the Committee on Ways and Means, pursuant to Rule 127, had been withdrawn.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1340, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 16, delete "excise taxes, income taxes, sales taxes, and ad" and insert "revenues from all designated sources".

Page 5, line 17, delete "valorem property taxes".

Page 6, between lines 16 and 17, begin a new line block indented and insert:

"(10) Make recommendations concerning alternative methods of funding school capital improvements."

Page 9, line 23, delete "(a) The board may levy and collect the taxes described".

Page 9, delete lines 24 through 42.

Page 10, delete lines 1 through 8.

Page 10, line 9, delete "(d)".

Page 10, line 10, delete "including the proceeds".

Page 10, line 11, delete "of the school capital alternative tax,".

Page 10, line 25, delete "School capital alternative tax proceeds" and insert "Revenue from whatever source".

Page 10, delete lines 27 through 28.

Page 10, line 29, delete "(3)" and insert "(2)".

Page 10, line 31, delete "(4)" and insert "(3)".

Page 11, delete lines 1 through 6.

Page 11, line 7, delete "22." and insert "21".

Page 11, line 10, delete "23." and insert "22".

Page 11, line 20, delete "24." and insert "23".

Page 11, line 26, delete ":" and insert "any funds anticipated to be received."

Page 11, delete lines 27 through 30.

Page 11, delete lines 39 through 42.

Delete page 12.

Page 13, delete lines 1 through 3.

Page 13, line 7, after "2004" insert ".".

(Reference is to HB 1340 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 6.

PORTER, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 3, 4, 93, 194, 232, 251, 264, 268, 274, and 374 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, February 4, 2004 at 10:00 a.m.

PIERCE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stevenson be added as coauthor of House Bill 1083.

MAHERN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Austin be added as coauthor of House Bill 1245.

VAN HAAFTEN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pond be added as coauthor of House Bill 1249.

CHENEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thompson be added as coauthor of House Bill 1253.

ROBERTSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Burton be added as coauthor of House Bill 1254.

ROBERTSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Bischoff and Ruppel be added as coauthors of House Bill 1257.

ROBERTSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as coauthor of House Bill 1265.

KERSEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pierce be added as coauthor of House Bill 1301.

BOTTORFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stilwell be added as coauthor of House Bill 1309.

LIGGETT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Espich be added as coauthor of House Bill 1320.

HASLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Turner and Foley be added as coauthors of House Bill 1437.

CRAWFORD

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Dobis, the House adjourned at 8:00 p.m., this second day of February, 2004, until Wednesday, February 4, 2004, at 10:00 a.m.

B. PATRICK BAUER

Speaker of the House of Representatives

DIANE MASARIU CARTER

Principal Clerk of the House of Representatives